E-FILED; Washington Circuit Court
Docket: 4/8/2021 11:14 AM; Submission: 4/8/2021 11:14 AM

C-21-FM-21-000496

STATE OF MARYLAND

JULIE BARR FOLTZ
PLAINTIFF

VS.

DAVID L BARR
DEFENDANT

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

COMPLAINT FOR SUPPORT

The State of Maryland, by and through R. David Pembroke, Attorney for the Child Support Division of Washington County, Maryland, and respectfully represents unto this Honorable Court:

1. That, the Plaintiff, JULIE BARR FOLTZ, is an adult citizen of the United States and resides in Washington County, Maryland.

2. That, this Complaint requests support for:

NAME	D.O.B
ALYSSALYN L BARR	09/13/2008
GABRIELLA BARR	07/06/2010
BRANTLEE BARR	03/10/2013

who are the children of JULIE BARR FOLTZ and DAVID L BARR. The parties were lawfully married on August 11, 2001.

3. That, the parties have been living separate and apart.

4. That, since, the above children have resided with JULIE BARR FOLTZ, who is their Mother.

5. There is no written agreement or Court Order entered to provide for the support of the aforementioned minor children.

6. There is no financial statement attached at this time. There will be one filed prior to the hearing of this matter.

WHEREFORE, the State of Maryland respectfully requests this Honorable Court to:

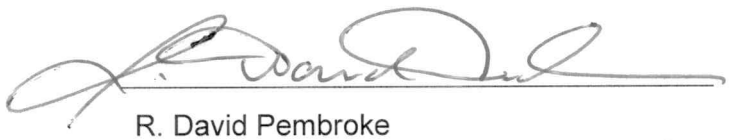
1. Establish a reasonable amount of child support to be paid by the Defendant on an on-going basis, retroactive to filing date of the Petition said amount to be paid through the Maryland Child Support Account, P.O. Box 17396 Baltimore, MD 21297-1396; until said children obtain the age of majority or are otherwise emancipated;

2. Assess the amount of arrears owed by the Defendant and Order repayment of same;

3. That the Defendant be Ordered to make payments to the Maryland Child Support Account and that said Department shall remit said payments to the person, institution or agency determined to have the legal or actual custody of said children or the agency or institution providing assistance to the legal custodian for the benefit of said children;

4. That the Defendant be Ordered to provide such health and hospitalization insurance coverage as may be available through his employment for the benefit of the children and provide evidence of said coverage;

5. And for such and further relief as the nature of her cause may require.



R. David Pembroke
Attorney for the Child Support Division of
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Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

E-FILED; Washington Circuit Court
Docket: 1/5/2022 3:08 PM; Submission: 1/5/2022 3:08 PM

Washington County Department of Social Services, Child Support Division
Rear Entrance of 122 N. Potomac St. Hagerstown, MD 21740 (Office Hours Monday-Friday 8:00 A.M-4:30 P.M.)
Phone: (800)-332-6347 (Monday-Friday 8:00 A.M. to 5:00 P.M.)
Fax: 240-420-2112

Case Caption: Julie Barr Foltz vs. David L. Barr Court Order Number: C-21-FM-21-000496

Writ of Summons and Order to Appear

To: David L. Barr DOB:06/30/1981 RACE:C
12735 Pectonville Road
Big Pool, MD 21711

Phone: 240-343-0524

Employer: PLEASE PROVIDE PAYSTUBS BY FEBRUARY 15, 2022

Regarding the Matter: Establishment **CSES:**580171722

You are hereby summoned to file a written response to the attached Complaint filed by the Washington County Child Support Division by pleading or motion within thirty (30) days after service of this summons upon you in this Court. Failure to file a written response within the time allowed or to appear as directed may result in a default judgment or granting of the relief sought.

You are hereby compelled to appear personally on N/A at N/A at the Washington County Department of Social Services, Child Support Division REAR ENTRANCE of 122 N. Potomac St., Hagerstown, Maryland for the purpose of a CONCILIATION CONFERENCE.

☒ Produce the following documents, items, and information, not privileged by mail or fax to the Washington County Child Support Division at least two (2) weeks prior to hearing date: **(1) Last 4 paystubs/Financial statement; (2) Employer's Name Address/Phone; (3) Last Year's Federal and State Tax Returns, if self employed; (4) W-2 and 1099 Forms for the past 3 years; (5) Receipts, cancelled checks, etc., to disprove arrears; (6) Evidence to support any claim of inability to maintain employment due to physical or mental disability; (7) In cases of establishment or modification of a court's order, you must also bring evidence of daycare expenses, extraordinary medical expenses, health insurance cost or any other additional expenses claimed by you; (8) Prior court orders.**

The purpose of the Conciliation Conference is to obtain the necessary information from all parties involved and to afford each party an opportunity to be heard and ask questions in relation to CHILD SUPPORT. Although an attempt will be made by the Child Support Specialist to negotiate a settlement of the issues pending, some issues may remain unresolved. UNLESS your case is resolved at the Conciliation Conference:

You are compelled to personally appear at a hearing before the Circuit Court for Washington County, Maryland located at 24 Summit Ave Hagerstown, Maryland on March 4, 2022 at 08:30 A.M.

Failure to bring the above information may result in sanctions or penalties being imposed against you by the court. No continuance will be granted expect by leave of Court and good cause shown.

Failure to appear at court may result in the issuance of a Body Attachment or Bench Warrant for your arrest, dismissal of support services, or termination of your public assistance.

PLEASE TAKE NOTICE: Reasonable and proper attire is expected for all that attend sessions of the Circuit Court of Washington County, Maryland. Hats (except for religious purposes), undershirts, tank tops or halter tops, graphic T-shirts, shorts or cut off jeans and sandals are not considered appropriate. Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility. **Children are not permitted in the courtrooms.**

Date Issued:

G. Clair Baker Jr.
Magistrate

Return of Service

I certify that I delivered the original of this Writ of Summons and Order to Appear to the following person(s):

_____ on the following date: _____

by the following method (specific as required by Rule 2-126 or 3-126); _____.

_____
Served By

_____
Defendant's Signature

_____
Defendant's Printed Name

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

Julie Foltz

PLAINTIFF

vs.

David Barr

DEFENDANT

C-21-FM-21-000496

CASE NO.

FAMILY MAGISTRATE'S RECOMMENDATIONS FOR CHILD SUPPORT

Issues pertaining to child support came for hearing before the Family Magistrate on the 4TH day of MARCH 2022. Present at the hearing: Attorney for State, ☐ Plaintiff ☒ Defendant

All testimony and the Family Magistrate's Recommendations for Child Support were electronically recorded at said hearing, and said recording is made a part of the Court file in this matter for a period of sixty (60) days. Accordingly, the Family Magistrate makes the following recommendations.

ISSUES:

☒	Establishment of Child Support	☐	Contempt
☐	Paternity	☐	Genetic Testing
☐	Modification (Decrease)	☐	Modification (Increase)
☐	Termination	☐	Other

(☒) That Defendant be ordered and directed to pay the amount of $ 1,111.00 per month as child support for the minor child or children of the parties, accounting from the 1ST day of APRIL 2022. Said payments are payable to the Maryland Child Support Account, P. O. Box 17396, Baltimore, Maryland 21297-1396.

(☒) That child support arrears are established at $ ZERO as of the 4TH day of MARCH 2022, and said child support arrears be ordered and directed to be paid in the amount of $ ZERO per month, in addition to the aforesaid child support, accounting from the 1ST day of APRIL 2022. Said payments are payable to the Maryland Child Support Account, P. O. Box 17396, Baltimore, Maryland 21297-1396.

FILED

2022 MAR -4 P 4:22

KEVIN R. TUCKER, CLERK

BY:

(☒) That: (i) this constitutes an immediate and continuing withholding order on all earnings of the Obligor on or after the date of the recommended order, and that the withholding order be served immediately on the Obligor's employer; and (ii) the Obligor is required to notify the Court within ten (10) days of any change of address or employment as long as the order is in effect; and (iii) failure to comply with paragraph (c) of this subsection (Family Law Article 10-120) will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of proceedings for earnings withholding.

NOTICE

If you do not agree with the Family Magistrate's Recommendations for Child Support, you may file exceptions pursuant to Maryland Rule 9-208. Exceptions shall be in writing and shall set forth the asserted error with particularity. Any matter not specifically set forth in the exceptions is waived unless the Court finds that justice requires otherwise. Since the exceptions procedure is limited by Rule 9-208, representation by counsel is strongly advised.

A transcript must be requested at the time the exceptions are filed. **The Excepting Party must contact the Court Reporter and pay to the Court Reporter the amount necessary to ensure full payment for preparation of the transcript.** The amount due for the transcript is payable by attorney trust fund check, money order or cash. Should the cost amount to more, the balance due is required before the transcript will be delivered. The transcript must be filed within thirty (30) days from the filing of the exceptions. The recording of the hearing will be erased sixty (60) days from the date of the hearing unless a transcript is ordered as stated above.

FAILURE TO COMPLY WITH ANY OF THESE REQUIREMENTS MAY RESULT IN PROMPT DISMISSAL OF THE EXCEPTIONS AND THE IMMEDIATE ENTRY OF THE FAMILY MAGISTRATE'S PROPOSED ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4TH day of MARCH 2022, copies of the foregoing Family Magistrate's Recommendations for Child Support were:

☐ hand delivered to:
☐ mailed (first class postage prepaid) to:

Plaintiff
Julie Foltz

☒ hand delivered to:
☐ mailed (first class postage prepaid) to:

Defendant
David Barr

☐ hand delivered to:
☐ mailed (first class postage prepaid) to:

Washington County Dept. of Social Services

G. Clair Baker, Jr., Family Magistrate

(☐) That ☐ Plaintiff ☐ Defendant be ordered and directed to provide medical coverage for the minor child or children of the parties (if available through an employer or any form of group health insurance coverage at a reasonable cost) and furnish ☐ Plaintiff ☐ Defendant with the appropriate forms and information. Any costs not covered by insurance or not reimbursed by an insurance provider shall be:

☐ paid by ☐ Plaintiff ☐ Defendant.

☐ divided equally between the parties.

(☐) That the provision for medical coverage through the Obligor's present employer, or any subsequent employers, be issued separately from the wage lien as a withholding order.

(☐) That Defendant is found to be the father of the minor child and paternity is hereby established.

(☐) That Defendant's request for genetic testing is hereby ☐ granted ☐ denied. Testing shall take place at the Department on _____ at 8:30 a.m. The cost of the genetic testing is $_____ and shall be paid by Defendant at the time of the testing by money order payable to Maryland Child Support.

(☐) That the Motion to Modify child support shall be ☐ granted ☐ denied.

(☐) That the request to terminate child support through the Department of Social Services shall be ☐ granted ☐ denied.

☐ Arrearages in the amount of $_____ shall be extinguished.

☐ Arrearages in the amount of $_____ shall be reduced to a judgment in favor of Plaintiff.

(☐) Contempt to be dismissed.

(☐) Other: _____

_____

_____

_____

_____

_____

G. Clair Baker, Jr., Family Magistrate

MARYLAND JUDICIARY

CIRCUIT COURT FOR Washington County, MARYLAND
City/County

Located at 24 Summit Ave Case No. C-21-FM21496
Court Address

WCDSS-Julie Barr Foltz
Plaintiff

Noland Village
Address

Hagerstown
City, State, Zip

Telephone Number

vs.

David Barr
Defendant

12729 Pecktonville Rd
Address

Big Pool, Md, 21711
City, State, Zip

240-343-0524
Telephone Number

MOTION
(Md. Rule 2-311)

I, David Barr, ☐ plaintiff ☑ defendant, move that the court grant the
Name

following request in the above-referenced matter:

I disagree with the amount of child support due to false income calculations. I request a hearing for exceptions

(Continue to page two (2) if in need of additional writing space.)

Currently scheduled ☐ hearing ☐ trial date and time:

☐ Grounds and authorities:

☑ Request for hearing.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

3-11-22
Date

David Barr
Signature of Party

Address

David Barr
Printed Name

City, State, Zip

240-343-0524
Telephone Number

E-mail

Fax

Certificate of Service

I certify that I served a copy of this motion upon the following party or parties by ☑ mailing first class mail, postage prepaid, ☐ hand delivery, on
Date
to:

WCDSS
Name

Address

City, State, Zip

Julie Barr Foltz
Name

Address

3-11-22
Date

City, State, Zip

Signature of Party

FILED
2022 MAR 11 P 3:43
KEVIN R. TUCKER, CLERK

BY:

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P R O C E E D I N G S

MR. PEMBROKE: I'd call Julie Foltz vs. David Barr, C-21-FM-21-496, the matter is here for - - uh - - an Establishment.

MAGISTRATE: Sir, would you remain standing please and raise your right hand to be sworn in?

(The Defendant, DAVID BARR, was duly sworn by the Clerk.)

MAGISTRATE: Alright, you may be seated, and if you would give us your name and address please?

MR. BARR: David Barr, 12729 Pecktonville Road, Big Pool, Maryland 21711.

MAGISTRATE: Alright, thank you. Mr. Pembroke?

DIRECT EXAMINATION

BY MR. PEMBROKE:

Q. Mr. Barr, you and Ms. Foltz have - - uh - - three children together?

A. Yes, we do.

Q. Can you tell me their names, dates of birth and ages, please?

A. Yes, on your paper we have Alyssalyn Marie Barr, 9/13/2008, Gabriella Marisca Barr, 7/6/2010, and Brantlee Robert Barr, 3/10/2013. What your paper does not show you is that we do have two older children, Jesscella Marie Barr, 7/17/2002 and Klayton David Barr, 7/30/2004.

Q. Any - - oh alright, are either of those - - uh -

- under eighteen?

A. One of them is.

Q. Okay, but I believe only three of them are involved in this case. Your paying child support for the other - - for the one, correct?

A. The other one, who?

Q. One of those two of the children you just mentioned.

MAGISTRATE: Was one of them born in 2004?

A. Am I paying child support?

Q. Yes, Sir.

A. No, Sir.

Q. Okay. U'm - - primarily, the three children - - uh - - that you mentioned in this case, where do they reside?

A. Uh - - with me and their mother.

Q. Okay, are the two - - are you and their mother living together?

A. No, no Sir.

Q. Okay, then can you explain to the Court how they are living with both of you, if the two of you are not living together?

A. Uh - - you asked – - you asked, where do they reside, and I said they live with their mother and also with me. We have fifty-fifty custody. Also, fifty-fifty

legal custody with me having tie-break authority, more or less, fifty-one percent legal custody.

Q. Okay, legal custody is not an issue here today, Sir.

A. Well - - it kind of is.

Q. And how is it that the two of you have fifty-fifty physical custody? By virtue of what?

A. Uh - - a Court Order. U'm - - Divorce Agreement.

Q. Okay, from March of 2019?

A. Yes, Sir.

Q. Okay. And that's essentially a week-on week-off - -

A. Yes.

Q. Schedule?

A. Yes.

Q. Okay. Alright, Court's indulgence. (Counsel talks to the WCDSS Caseworker sitting beside him.) U'm - - are you employed, Sir?

A. I work for myself. I have my own business.

Q. Okay, what type of work do you do?

A. Uh - - handyman and light construction.

Q. How long have you been doing that kind of work?

A. I started that in August of 2021.

Q. Okay, is that a fulltime endeavor?

A. Yes.

Q. Okay. And since - - uh - - August, on a monthly basis, u'm - - what is your income?

A. U'm - - about One Thousand Dollars a month. It's been a - - it's been a rough first five months.

Q. Uh - - where were you working before that?

A. Ellsworth Electric.

Q. And what did you do for them?

A. Uh - - at one point I was in the office, and then I was an electrician, and then I was in their insulation department.

Q. How long did you work for Ellsworth?

A. Uh - - just shy of twenty years.

Q. Was that up until August of 2021?

A. Yes, Sir.

Q. Why did you leave?

A. Uh - - the company was sold, and it was a very toxic relationship between me and the new owner. U'm - - of course since there's nobody in here, I'll quit being vague. The new owner was my older brother and it - - it was - - u'm - - honestly, honestly Sir, at one point I did not want to be arrested for - - u'm - - assault, him or I. So, I thought it was time for me to walk away.

Q. Okay I see, you quit?

A. Yes, Sir.

Q. Okay, u'm - - at the time that you left the

employment, what was your income?

A. Uh - - I was making Thirty Dollars and hour.

Q. And - - u'm - - have you looked for any electric - - do you have a - - an electrician's license?

A. I do carry a Maryland Journeyman and a Journeyman license in West Virginia also.

Q. Okay, u'm - - since August of 2021, have you looked for employment as an electrician?

A. U'm - - that's also part of my business.

Q. Okay. Give me just a minute, please. (Counsel looking through file.)

A. Sir, may I uh - -

MAGISTRATE: There's no question at the moment.

A. Oh, okay.

MAGISTRATE: We'll get to that in a minute.

Q. Uh - - how long was the - - how long had the company been sold when you left?

A. How long, what?

Q. How long had the company been sold to your brother when you left it in August?

A. About a year and a half. I stuck it out for a year and a half and tried to make a go of it.

Q. So, you went - - you went from making Thirty Dollars an hour to making about Five Dollars Eighty Cents an hour now?

A. Yes Sir, trying to get my business off the ground.

Q. Okay, back to my prior question. After August of 2021, did you attempt to - - to find employment as an electrician?

A. Uh - - no, I did not. Uh - - the reason was to start my own business.

Q. I understand. Would you say as a general proposition, that an electrician with your experience - - uh - - uh - - would be able to earn, in this area, about Thirty Dollars an hour if you went to work for some other company?

A. U'm - -

Q. Give or take.

A. Maybe if you've been there twenty years.

Q. Now is it fair to say that if you started as an electrician, with your training and experience at another company, chances are you would make more than Five Dollars Eighty Cents an hour?

A. U'm - - it's possible.

Q. Okay. And you are working fulltime now, correct?

A. Yes, Sir.

Q. Since August of 2021, I understand that you've started your own business, but have you looked for other employment during that period of time?

A. U'm - - no, there is no reason to.

Q. Okay. Do you carry health insurance for your children?

A. Yes, I do.

Q. U'm - - is that State insurance?

A. No, Sir.

Q. Is that a cost to you?

A. Yes, Sir.

Q. U'm - - do you know what the cost is?

A. It's roughly Eight Hundred Dollars a month.

Q. Eight Hundred Dollars a month?

A. Yes, Sir.

Q. U'm - - how many people are on that plan?

A. Uh - - all five of my children.

Q. What about you?

A. Yes Sir, I'm on that plan too.

Q. Okay. Is your ex-wife on it?

A. No, Sir.

Q. Okay. Is your - - are you currently married?

A. Yes, Sir.

Q. Is she on it?

A. It's through her work, yes.

Q. Okay, so your three children are on it involved in this case, your other two children are on it, and you and she are on it?

A. Yes, Sir.

Q. Okay, is anybody else on it?

A. I believe her two children are on it as secondary.

Q. Okay, do you got all that? (Counsel asking DSS Caseworker.)

A. Her two children are covered by her ex-husband's insurance, but it is a secondary insurance to them also.

Q. Who - - who is paying the health insurance?

A. I am paying - - it's coming out of my wife's paycheck, and I reimburse her.

Q. Okay, u'm - - you're - - you're making - - you're making less than a Thousand Dollars a month and you're paying Eight Hundred Dollars for health insurance through your wife that she already pays, and you are reimbursing her?

A. I am reimbursing her for my children, yes. I am in debt to her. I'm paying her as much as I can. U'm - - I know this doesn't - - a lot of people don't understand this, but my second time around with a wife, uh - - I have a wife that absolutely would do anything for me, that loves me for once, u'm - - and she makes very, very, very good money. So, she is - - that is how I'm affording to make Five Dollars Eighty Cents, by what you are saying, to have the - - u'm - - to have the - -

the dream of owning your own business. So, when it comes to paying health insurance, even though I'm not making much, but keep doing the right thing in keeping health insurance under my children's heads and paying for everything they need. U'm - - you know, there's kind of a running clock and a running tally to my wife, that I owe her at some point, hopefully when this business takes off. I am paying as much as I can right now to her for this said insurance.

Q. Are you paying the entire Eight Hundred Dollars?

A. As much as I possibly can, yes.

Q. Well, how much of that - - I mean, how much of that are you actually paying? Do you know?

A. U'm - - I believe I'm one month behind. I think I owe her Four Hundred from last month.

Q. Alright, but - - okay. My point is, you're - - you're paying her Eight Hundred Dollars a month on the insurance.

A. Yes. Mainly because, here's the thing, that we want to split hairs on insurance. If it's just her on insurance, it's - - just for round numbers. If it's just her, the employee, let's say it's Fifty Dollars - - Fifty Dollars a month. If she puts me, her spouse, on it then it's One Hundred Fifty Dollars. It doesn't matter that there's one kid, eight kids, nine kids, fourteen kids,

it's family insurance.

Q. I understand.

A. So, I pay her, because she is going out of her way to upfront that money and the insurance for me. She could tell me to go pound sand, and - - and - - the hell with you and your kids. Excuse my language, Your Honor.

Q. Well - -

MAGISTRATE: We've heard worse today.

A. Well, I - - I - - I don't want to get upset, but I - - it feels like I'm getting barraged about why this woman would do this for me or why she would do it for my kids.

MAGISTRATE: Well then, just - - Mr. Pembroke is just trying to get the issue of what is an accurate amount of health insurance coverage that you're paying for your children. It doesn't matter about you or your wife.

A. Right.

MAGISTRATE: It's the kids' cost.

A. Right.

MAGISTRATE: So, they are certainly fair questions. You're going from Eight Hundred Dollars that you're paying, to some portion of that, and then to a running tally of what you owe her.

A. No, that - - that running tally is that if I can't afford the full Eight Hundred each month to her.

MAGISTRATE: Well, is the Eight Hundred Dollars the full amount of the premium each - - out of her paycheck?

A. Yes, it's roughly Two Hundred Dollars a week.

MAGISTRATE: Alright, so you're paying for her and you're paying for you, plus the kids.

A. Yes.

MAGISTRATE: Okay.

Q. Like he said, it's a family plan. So, if she were to have a plan with her and one of her children, your children - - are you saying your children would not increase the premium?

A. Once you go from - - if you go for employee, it's one price. Employee and spouse, it's another price. Employee, spouse and children, is the same price whether it's one kid or ten kids. Regardless of that, I am paying it. My kids - - here's the thing. We're going to sit her and split hairs, Your Honor, and the Order says Mr. Barr, you by law, better be providing health care for your - - for your children. Guess what? I am. Where is the pat on the back that I'm doing what I'm supposed to be doing for my children, not splitting hairs of - - of - - why can't we be happy that these kids are covered on insurance and they are not a burden on the State?

MAGISTRATE: We can be happy.

A. No offense, but like everyone that's came through

here today. My son plays ice hockey.

MAGISTRATE: Wait a second, Sir.

Q. U'm - - can I take a moment?

MAGISTRATE: Absolutely. (Mr. Pembroke is having a conversation with the DSS Caseworker off the record regarding the Child Support Worksheet.) I'm sorry, Your Honor.

MAGISTRATE: No problem.

Q. U'm - - Mr. Barr, did you by any chance, bring with you any proof of - - uh - - the cost of the insurance?

A. I did not, my wife - - my wife has been out of town for the last week. She got home late last night, and u'm - - I did not get that from her.

Q. Alright. Do - - uh - - any of your three children that are involved in this case, have any extraordinary medical expenses?

A. No.

Q. And I take it - - if I've asked you before, I apologize. Uh - - your - - u'm - - self-employment income, as you've testified to, uh - - you have no other source of income?

A. No other source.

Q. Alright, did you by any chance - - uh - - bring with you any records or verification of your income in

your self-employment since August?

A. I have, I do. Right now - - also I can't - - with starting a business, I can't afford much, but I do have my invoice book. All my invoices of every job I've done since August is right here. (Defendant pulls out a receipt book from his backpack.) It's all paper copies if you'd like to go through it and add them up.

Q. The One Thousand Dollars a month that you've testified to, is that - - u'm - - your - - your gross income or your net income?

A. That is my gross. Like I said, all these pink copies, all the invoice numbers are in order and they are all right here. I added them up while sitting in Court and it was roughly Five Thousand Dollars. I've just - - that could've been Two Thousand one month and Five Hundred this month, but it basically averaged out to approximately One Thousand Dollars a month.

Q. Alright, I'm just trying to understand. I don't mean to - - uh - -

A. I mean, but you are more than welcome to - - I mean, I've got nothing to hide. You are more than welcome to look through them.

Q. Well, let me say - - the One Thousand Dollars that you're talking about, is that One Thousand Dollars in your pocket after you have paid the cost of - - uh - -

paid for the cost of materials and what have you? Or does that also include the cost of the materials at each job?

A. That is after materials. I took out materials for each one. That is my straight labor.

Q. Okay, and that's before any taxes are paid?

A. That is correct.

Q. Okay. Okay, thank you, I have no further questions.

MAGISTRATE: Any other testimony, Mr. Barr?

MR. BARR: Uh yes, actually I do. U'm - - I would like to remind the Court that we're kind of here because my ex-wife is receiving TCA amongst other barrelsful of free - - u'm - - free stuff that she receives. I will - - I will remind the Court, and everybody in here, that the last time I was informed that my ex-wife is also possibly being investigation for assistance fraud. If - - if you're sitting here questioning me, when someone comes to you and signs up for TCA - -

MAGISTRATE: Sir, I can't - - there's nothing you can ask me about TCA that I can answer for you.

MR. BARR: But, why - -

MAGISTRATE: It's a whole another department ballgame and when this case comes in with you on that side of the - - of the ledger here, somebody has already determined

that she's receiving TCA. I can't change that. I can't even question it.

MR. BARR: I'm fine with that. But I'm just saying, I'm sitting here offering everything I have for proof, and according to her TCA that she received, you all have been paying her TCA based on her having the kids the whole time and that's untrue.

MAGISTRATE: I haven't been paying her anything. When you got divorced, did you have a court-ordered amount of child support to pay?

MR. BARR: No, Sir.

MAGISTRATE: What? None whatsoever?

MR. BARR: No, Sir.

MAGISTRATE: Alright. When were you divorced?

MR. BARR: 2019, March 6th.

MAGISTRATE: Alright.

MR. BARR: Coming up on my anniversary.

MAGISTRATE: And you said that you have shared physical custody or is that another case I already heard?

MR. BARR: What?

MAGISTRATE: Do you have shared physical?

MR. BARR: We have fifty-fifty.

MAGISTRATE: What? Week on and week off, or what?

MR. BARR: Yes, except for the older two children. The older two children are - -

MAGISTRATE: Well, they're not in this.

MR. BARR: Right.

MAGISTRATE: Okay. Have you filed a tax return for 2021?

MR. BARR: No, Sir.

MAGISTRATE: You are self-employed, no entity of a corporation or a limited liability company?

MR. BARR: LLC.

MAGISTRATE: Pardon me?

MR. BARR: LLC, yes.

MAGISTRATE: Alright.

MR. BARR: I have not gotten my taxes done for last year yet.

MAGISTRATE: When you do your work, what do you charge per hour?

MR. BARR: Sixty Dollars per hour. My other - - my other question might have been, Your Honor, uh - - with everything else - - uh - - maybe continue the case until July. I'll be coming up on a year of being in business for myself, to see where I'm at then, and then I can make sure to have that insurance information also.

MAGISTRATE: You know, my rough math says you're working about five hours a week.

MR. BARR: Well, by the time you figure in Four Dollars in gas, or Four Dollars a gallon for gas towing

around a work truck, I mean it really cuts in.

MAGISTRATE: Well, how many hours a week are you working?

MR. BARR: At least twenty-five to thirty. I mean, right here is black and white of every job that I've done since I've started and where I'm getting that number from.

MAGISTRATE: Well, from what you've just told me, that's almost Seventy-Eight Thousand Dollars in gross income a year.

MR. BARR: What is?

MAGISTRATE: Sixty Dollars an hour at twenty-five hours a week.

MR. BARR: Well, I don't make Sixty Dollars an hour on every job.

MAGISTRATE: (Laughs) Alright. Anything else, Sir?

MR. BARR: I - - I don't - - I don't understand why we're - - you're getting frustrated with me, when I mean, right here is the jobs I've done.

MAGISTRATE: Mr. Pembroke, anything further from the Department?

MR. PEMBROKE: I have the - - u'm - - I have the Guideline Worksheet.

MAGISTRATE: Alright.

MR. PEMBROKE: I would like to submit.

MAGISTRATE: We'll take a look at those, thank you. Mr. Barr, we'll give you a copy of the Guidelines Worksheet.

(State's Exhibit No. 1 is marked for identification.)

MR. PEMBROKE: Your Honor, these Guidelines are calculated based on his previous employment with Ellsworth at Thirty Dollars an hour fulltime. Does the Court wish to hear argument on those?

MAGISTRATE: Sure.

MR. PEMBROKE: I believe the testimony was that he worked at Ellsworth Electric for twenty years doing various jobs, including insulation, and as an electrician. He made Thirty Dollars per hour. The company was sold after twenty years, and for a year and a half, he - - u'm - - stuck it out and was able to - - uh - - continue his employment there. He voluntarily quit his job making Thirty Dollars an hour to start his own company - - u'm - - which I calculated, based upon his testimony, that he's making Five Dollars and Eighty Cents an hour at this point. U'm - - it isn't the fact that - - uh - - we dispute his current income, that's not the issue. The issue here is, when you make the decision to bring children into the world, your priorities and - - u'm - - your prerogatives are not what they might be if

you are single and have no such commitments. There is an obligation to support your children and I believe that, going from a twenty-year job and making Thirty Dollars an hour, to making Five Dollars Eighty Cents an hour for the work that you are doing now, that's voluntary impoverishment as far as I'm concerned. He testified that he didn't even try to get another job as an electrician, having been in the field for twenty-plus years. While it may be commendable that he wants to run his own shop, and I can certainly understand that because I run my own shop as an attorney, and I understand that - - uh - - when you first start out things are lean. And we are not disputing that. But the fact of the matter is, that he has - - he has obligations to support his children. So, I believe that - - uh - - under the law, I believe the appropriate - - u'm - - resolution of this case is that he has voluntarily impoverished himself - - uh - - and he should be held to the - - uh - - higher income of Thirty Dollars per hour and we did our best to calculate that - - u'm - - based on the other testimony that he gave, including the kind of - - u'm - - unusual health insurance issue. So, that's what we're asking.

MAGISTRATE: Alright, thank you. Mr. Barr, I'll hear from you, Sir.

MR. BARR: Your Honor, as far as taking care of my

children. My oldest daughter is in Mount Aloysius College, Sir. I have - -

MAGISTRATE: Sir, this isn't about your oldest daughter who is in college.

MR. BARR: I've done everything to pay for college.

MAGISTRATE: Pardon me?

MR. BARR: I've done everything to pay - - to help pay for her college, anything she needs.

MAGISTRATE: That's not an issue in this - - in this child support matter.

MR. BARR: Okay, then Gabriella. Gabriella is in this case. She got picked up for Liverpool Soccer, travel soccer. It's One Thousand Dollars a year. Who pays it? Me. I have never once not taken care of my kids. I'm - - you are looking at father of the year, right here, Sir. Right here, father of the year. I am home every night with my kids. I am there to cook them breakfast. The only reason my hours got cut short is because I make sure that my eight-year-old is on the bus. I am back there and off the job site at three o'clock to get my eight-year-old off the bus because I have no one else to do it, especially living out and remote as Big Pool.

MAGISTRATE: Mr. Barr, let me now ask you this question, about that issue. You've been divorced since

2019?

MR. BARR: Yes.

MAGISTRATE: Alright, so - - and you continued to work for the company until what, August of last year?

MR. BARR: August of last year.

MAGISTRATE: So, you were doing all those things between the date of your divorce and August, correct?

MR. BARR: There - -

MAGISTRATE: Getting your - - being with your children every night, taking care of getting somebody on and off the bus, one of the children?

MR. BARR: No, I was missing time.

MAGISTRATE: Well then, go ahead, finish. Finish your argument, Sir.

MR. BARR: There was a huge breakdown. What your missing is, is the - - is the management change. I can gladly - - if we continue this, I can gladly have the new owner of where I used to work, come here and testify. If I wanted to impoverish myself, why wouldn't I have left during my divorce and said, "Welp, I'm broke". Why would I wait three years later, after I tried and tried with the new owner and it was - - and it was brutal. It was just ignorant every day. Sir, two - - two months ago, my oldest brother - - my oldest brother, walked away from the company after being there twenty-five years.

MAGISTRATE: He's not here today, Sir.

MR. BARR: What?

MAGISTRATE: It's about your employment.

MR. BARR: I did not impoverish myself.

MAGISTRATE: Alright, I get it. You know, I think that if you'd pay - - if you were to pay the child support amount that's listed - - or that's recommended on the Guidelines, there might not be any future TCA payments because that becomes your obligation based on the income that you are capable of earning. And it's a little hard on the one hand for you to tell us that you're paying Eight Hundred Dollars a month to your wife, when you are telling us you have One Thousand Dollars available to you. Hey, I don't know how that math works if you're putting - - if, like you said, Four Dollars a gallon - - not quite yet, but probably soon.

MR. BARR: It is.

MAGISTRATE: Alright, the - - the math doesn't work. And if you are paying One Thousand Dollars for a travel soccer team and the like, where is all this money coming from?

MR. BARR: Uh, Your Honor, my wife makes almost Twenty Thousand Dollars a month.

MAGISTRATE: Alright.

MR. BARR: That's the whole reason I decided to start

this new business.

MAGISTRATE: What's the amount, eleven? One Thousand One Hundred Eleven Dollars? I handed it back to you, I think.

MR. BARR: That's what the monthly child support is? One Thousand One Hundred Eleven? I - - I decided to start my own business because of what my wife makes, and I couldn't - - I couldn't do it - -

MAGISTRATE: Alright, we'll recommend the child support amount of One Thousand One Hundred Eleven Dollars. That's what I'm going to recommend. I find that you are capable of earning - -

CLERK: Are you admitting?

MAGISTRATE: State's One is admitted.

(State's Exhibit No. 1 is admitted into evidence.)

MAGISTRATE: You are capable of earning that amount.

MR. BARR: What? Can I - - can I ask another question?

MAGISTRATE: Yes, Sir.

MR. BARR: What happens if my ex-wife is - - uh - - is swayed to get married - - remarried in two weeks, and she loses TCA as it is, and then two weeks later she gets a job?

MAGISTRATE: Then you'll be back here asking for

modification perhaps.

MR. BARR: And I will lose another whole day's worth of work like I did today. Thank you, you'll be seeing me again.

MAGISTRATE: Well, based on the hours that we figure you are working in a week, I don't think that's going to make a whole lot of difference.

MR. BARR: Well, it apparently does, because I'm - - I'm ordered to pay almost Twelve Hundred Dollars a month. I don't even make that!

MR. PEMBROKE: But you did. You did.

MAGISTRATE: Alright, we won't do any arrearage on this. No arrearage. Eleven Hundred Eleven Dollars will begin April 1st.

MR. BARR: No, I don't have it.

MAGISTRATE: Terry, would you - -

MR. BARR: Totally, totally unfair.

MAGISTRATE: Hand me that box of documents.

MR. BARR: I'll be in the kids' court. Totally unfair.

MAGISTRATE: Thank you. Is there another box there? I don't have all the pages.

MR. BARR: So, how long will it go before I get arrested for non-payment of child support?

MAGISTRATE: Sir, the hearing is finished, and I

couldn’t answer that for you if I - - even if I knew.

MR. BARR: This is totally unfair.

DEPUTY: Sir, you need to sign over here.

CASE CONCLUDED AT 3:58 P.M.

√ **Digitally signed by Sandra L. Faith**

DIGITALLY SIGNED CERTIFICATE

I HEREBY CERTIFY that I reported verbatim by electronic device the proceedings of: **State of Maryland/Julie Foltz vs. David Barr; Case No. C-21-FM-21-496**, in the Circuit Court for Washington County, Maryland, on March 4, 2022, before the Family Law Magistrate G. Clair Baker, Jr.

I FURTHER CERTIFY that the proceedings were transcribed by me to the best of my ability in a complete and accurate manner, and Page Numbers 1 through 25, constitute the official transcript of the proceedings.

IN WITNESS WHEREOF, I have affixed my signature this 24th day of March, 2022.

Sandra L. Faith
Transcriber

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JULIE BARR-FOLTZ	*	
PLAINTIFF	*	
VS.	*	CASE NO. C-21-FM-21-000496
DAVID BARR	*	
DEFENDANT	*	

MEMORANDUM OPINION REGARDING EXCEPTIONS

Considering the Plaintiff's Exceptions to the Magistrate's Proposed Findings and Recommendations, argument, and careful review of the transcript and the record in this case, the decision of this Court is set forth below.

STANDARD OF REVIEW

The Court of Appeals of Maryland sets forth a standard of review of a Magistrate's Findings and Recommendations which includes the Circuit Court:

1. Determining whether the Magistrate's first level factual findings are clearly erroneous, and if they are not clearly erroneous; then
2. The reviewing Court exercising its own independent judgment, if that would produce a different result.

Domingues v. Johnson, 323 Md. 486, 491-492 (1991).

The Court of Special Appeals said, "Simply put, the trial judge may not blindly accept the master's recommendations." *Miller v. Bosley*, 113 Md.App. 381, 397 (1997). The *Domingues* Court noted that: "[c]onsideration may and should be given to those recommendations, but in the

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Although not in evidence before the magistrate because it did not yet exist, at the hearing before the Court on exceptions, Mr. Barr proudly asserted that his monthly income had increased to approximately $3000.00 per month and was expected to increase further as his company continued to grow. The difficulty in a case such as this is that one party's income, in this case that of Mr. Barr, is somewhat of a moving target. Certainly, child support calculations involving two parties whose paychecks are the same each pay period are much simpler. In such a case, it does not matter what point in time the Court uses to make its calculation, whether in April or July or October or any other snippet in time throughout the year, because the math will be consistent. But in the case of a self-employed party, the snippet in time chosen to do the child support calculation matters because the changes in income that can occur from month to month may vary the results greatly. The Court in its review of the facts and circumstances does not believe that the figures collected at that particular moment in time during the Magistrate's hearing accurately reflect the financial condition of the parties. The Court believes that a recalculation utilizing figures that more accurately capture the financial situation of the parties is in order.

As stated earlier, the Court does not necessarily disagree with the Magistrate's fact finding. The Court does, however, disagree with the Magistrate's determination that Mr. Barr voluntarily impoverished himself.

The Court finds guidance in *Lorincz v. Lorincz*, 132 Md. App. 312 (2008) both factually and legally. In *Lorincz*, the Court of Special Appeals examined the case of a parent whom the Circuit Court found to be voluntarily impoverished when, after determining her chosen career path was unsustainable, she quit her P.H.D. program and forfeited a $24,000.00 annual stipend to pursue a law degree with the promise of a lucrative job upon graduation. *Id.* at 317, 319. In

evaluating the Circuit Court's findings, the court stated that when determining whether a parent is voluntarily impoverished it must "inquire as to the parent's motivations and intentions." *Id.* at 340 (quoting *Malin v. Mininberg*, 153 Md. App. 358, 397 (2003)). While the parent need not intend to avoid paying child support to justify a finding of voluntary impoverishment, "the intent and purpose in making a change in employment must nonetheless be to actually lower the level of income." *Id.* The court in *Lorincz* emphasized that a parent, "should not be forced to maintain a particular career when there is a reasonable basis to believe that to do so would jeopardize his health or liberty; his current income is hardly insignificant; and the alternative career may yield a respectable income." *Id.* at 341 (quoting *Malin v. Mininberg*, 153 Md. App. at 404). Or in other words, the child support obligation "should not be used to shackle the parent by preventing him or her from making a needed life-style change, based on valid reasons, particularly when ... the parent is able to provide reasonable child support." *Id.* (quoting *Malin*). Applying this logic, the court in *Lorincz* held that the Circuit Court erred in finding that the parent had voluntarily impoverished herself. *Id.* at 342.

Certainly, Mr. Barr's income greatly reduced upon his resignation from Ellsworth Electric. However, when looking at Mr. Barr's intent or purpose for leaving Ellsworth Electric and moving forward on his own as a sole proprietor and sole employee of a construction company, the Court believes and accepts Mr. Barr's explanation that he left Ellsworth Electric because of a need to eliminate the strife that working for his brother was causing him and his children. The Court notes that Mr. Barr immediately began forming his new business and performing jobs in support of the new business upon his departure from Ellsworth Electric. The Court therefore does not find that Mr. Barr voluntarily impoverished himself.

Based on the Court's findings and analysis as stated in this Memorandum, the Court finds it appropriate that a new hearing be scheduled for purposes of establishing a more accurate child support amount. The Court's Order consistent with the Court's opinion is filed simultaneously with this Memorandum.

5/23/2022

Date

Judge Viki M. Pauler
Associate Judge
Circuit Court for Washington County, Maryland

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JULIE BARR-FOLTZ	*	
VS.	*	CASE NO. C-21-FM-21-000496
DAVID BARR	*	

****

ORDER REGARDING EXCEPTIONS

Having considered Defendant's Exceptions the Magistrate's Proposed Findings and Recommendations, argument, and the record in this case, it is this 23rd day of May, 2022, by the Circuit Court for Washington County, Maryland, hereby

ORDERED that the Defendant's Exceptions to the Magistrate's Proposed Findings and Recommendations are **GRANTED**, as specifically detailed in the Memorandum Opinion filed with this Order.

ORDERED, a one-hour hearing shall be set by the Assignment Office before a Judge for purposes of establishing child support.

ORDERED, both Parties shall bring to Court any and all documents necessary to facilitate the Court's determination of each Party's income.

Viki M. Pauler
Judge

CC: Julie Barr-Foltz
David Pembroke, Counsel for DSS
David Barr

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Entered By _____

☒ CIRCUIT COURT ☐ DISTRICT COURT OF MARYLAND FOR Washington County
City/County

Located at 24 Summit Avenue, Hagerstown MD 21740 Case No. C-21-FM-21-000496
Court Address

STATE OF MARYLAND
OR

Julie Barr-Foltz
Name

Address

City, State, Zip

vs.

David Barr
Name

12729 Pecktonville Rd
Address

Big Pool Md 21711
City, State, Zip

MOTION FOR CONTINUANCE / POSTPONEMENT

I, David L. Barr
Name

move that the court grant a continuance / postponement of the proceeding listed below:

Type of proceeding: support

Currently scheduled date and time: June 28th @ 9:30

for the following reasons: pre planned vacation trip / also pre paid June 27- July 2

For these reasons, I request the court continue / postpone the proceeding referenced above.
I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

6-16-22
Date

Signature

Attorney Number

David L Barr
Printed Name

240-343-0524
Telephone Number

12729 Pecktonville Rd
Address

Fax

Big Pool Md 21711
City, State, Zip

dbarr81@icloud.com
E-mail

CERTIFICATE OF SERVICE

I certify that I served a copy of this motion, upon the following party or parties by ☐ mailing first-class mail, postage prepaid ☐ hand delivery, on _____ Date to:

David Pembroke / DSS
Name

122 N. Potomac
Address

Hagerstown MD 21740
City, State, Zip

Julie Barr-Foltz
Name

1032 C Noland Drive
Address

Hagerstown MD 21740
City, State, Zip

Date

Signature of Party Serving

ORDER

It is ORDERED:
☒ the relief requested be GRANTED.
☐ the motion is DENIED.

Entered: Clerk, Circuit Court for Washington County, MD
June 24, 2022

Comments: Opposing counsel has also asked for a continuance.

06/23/2022 1:44:58 PM
Date

Judge

ID Number

Judge Joseph Michael

CC-DC-070 (Rev. 07/2021)

E-FILED; Washington Circuit Court
Docket: 6/16/2022 12:08 PM; Submission: 6/16/2022 12:08 PM

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

DAVID BARR *
PLAINTIFF

V. * **CASE NO. C-21-FM-21-000496**
*

JULIE BARR-FOLTZ
DEFENDANT *

MOTION TO CONTINUE

COMES NOW, Defendant, Julie Barr-Foltz, through undersigned counsel, R. David Pembroke assigned public defender, and files this Motion to Continue, and states for good cause as follows:

1. That this case is scheduled for Tuesday, June 28, 2022, at 9:30 a.m.

2. That undersigned counsel is already scheduled for a jury trial for State v Brett Chaney Case No. C-21-CR-21-000576, June 28, 2022. (Please see attached notice of trial)

3. That conflict attorneys for The Department of Social Services, Andrea Cheeatow, Esq. and Ashley Wilburn, Esq. have been contacted and are both unavailable to cover this case.

4. That the Defendant is therefore requesting a continuance of this matter.

5. The requested continuance is not requested for purposes of delay nor will a continuance prejudice any party hereto.

WHEREFORE, undersigned counsel prays this Honorable Court:

A. Grant the request for a continuance;

B. For such other and further relief as the nature of this cause may require.

R. David Pembroke 8205010237
21 Summit Avenue
Hagerstown, MD 21740
301-791-5674
Rdpembroke1954@gmail.com
Assigned Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of June, 2022, a copy of the foregoing Motion to Continue was filed electronically through MDEC.

R. David Pembroke 8205010237
21 Summit Avenue
Hagerstown, MD 21740
301-791-5674
Rdpembroke1954@gmail.com
Assigned Public Defender

E-FILED; Washington Circuit Court
Docket: 6/16/2022 12:08 PM; Submission: 6/16/2022 12:08 PM

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

DAVID BARR *
PLAINTIFF

V. * **CASE NO. C-21-FM-21-000496**
*

JULIE BARR-FOLTZ
DEFENDANT *

ORDER

Upon consideration of the Motion for Continuance filed by the Defendant in this matter and any answer filed by the State thereto, it is this **17th** day of June, 2022, by the Circuit Court of Maryland for Washington County:

ORDERED that the Motion for Continuance is hereby **denied, subject to reconsideration on the day of the hearing. The instant hearing is scheduled to take one hour, and there should be ample time to resolve the instant case and Defense counsel's criminal matter -- unless that criminal matter actually goes before the Court as a jury trial, in which case the Court will continue the instant case.**

Copies to:

R. David Pembroke 8205010237
21 Summit Avenue
Hagerstown, Maryland 21740

Julie Barr-Foltz- Plaintiff
1032 C Noland Drive
Hagerstown, MD 21740

David Barr- Defendant
12729 Pectonville Road
Big Pool, MD 21711

06/17/2022 3:49:29 PM

Judge Joseph Michael

Entered: Clerk, Circuit Court for
Washington County, MD
June 21, 2022

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740

Civil/Family/Juvenile: 301-790-4972
Criminal: 301-790-7941
General: 301-733-8660
Assignment: 240-313-2540
Maryland Relay Service: 711
Fax Civil/Family/Juvenile: 301-791-0507

To: KERT SHIPWAY
1110 PROFESSIONAL COURT
UNIT 300
HAGERSTOWN, MD 21740

Case Number: **C-21-FM-21-000496**
Other Reference Number(s):

JULIE BARR-FOLTZ, ET AL. VS. DAVID BARR

Date: 7/15/2022

Service Deadline: 60 days after the Issue Date.

SUBPOENA

You are hereby compelled to appear at a ☒ court proceeding ☐ deposition at the following location on: 07/15/2022 at 1:00 PM: Circuit Court of Maryland for Washington County, 24 Summit Avenue Hagerstown, Maryland 21740

☒ To testify in the above case, and/or

☒ To produce the following documents, items, and information, not privileged: Financials for All Around Home Improvement (David Barr) TO BE EXCUSED IF FINANCIALS ARE PROVIDED

☐ To produce, permit inspection and copying of the following documents and other tangible items: NONE

Washington County Department of Social Services requested issuance of this subpoena. Questions should be referred to:
122 N Potomac St
HAGERSTOWN, MD 21740

Special Message: NONE

☐ If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions §1-304 and any other applicable law.

☐ If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General §4-306 and any other applicable law.

☐ Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.

Kevin R. Tucker
Clerk of the Circuit Court

NOTICE:
1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the Court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____ _____ on the following date: _____ by the following method (specified as required by Rule 2-126): _____.

_____
Signature

_____
Printed Name

E-FILED; Washington Circuit Court
Docket: 7/20/2022 12:47 PM; Submission: 7/20/2022 12:47 PM

C-21-FM-21-000496

State of Maryland
Julie Ball-Foltz
Plaintiff

Vs.
David Barr
Defendant
MARYLAND

* IN THE CIRCUIT COURT FOR

*WASHINGTON COUNTY,

ORDER OF COURT

It is hereby ordered by the Circuit Court for Washington County, Maryland, this 21st day of July, 2022 that the Defendant, be ordered to pay child support of $782.00 per month, for 3 child(ren) accounting from the 1st day of August, 2022.

☒ Child Support is established in accordance with Maryland Guidelines.

☐ Other:

The Defendant is hereby directed to make his child support payments payable to the Maryland Child Support Account, P.O. Box 17396 Baltimore, Maryland 21297-1396. The Defendant shall place his child support account number 550171722 and name on all checks or money orders. Payments can also be made electronically at md.smartchildsupport.com.

The Defendant as of the 15th day of July, 2022, is in arrears of $5404.00 and is ordered to pay $25 per month until paid in full.

Date last paid: /

Payments under this Order shall be remitted by the State of Maryland to the person, institution or agency determined by the Court to have legal or actual custody.

The Order shall continue until the child reaches the age of eighteen, dies, marries or becomes self supporting. With respect to each for whom a duty of support is owed under this Order, in the event that the child is enrolled in secondary education when such child reaches the age of eighteen, the obligor's child support shall continue until the child reaches the age of nineteen or is no longer enrolled, whichever is the first to occur. The custodial parent shall notify the child support enforcement agency prior to the child reaching the age of eighteen that the child may be entitled to continued support. The custodial parent shall be required to provide evidence of enrollment in secondary school for a child who has attained the age of eighteen years to the Washington County Child Support Enforcement Agency and the other party in this case. The custodial parent is further required to notify the child support enforcement agency when the child is no longer enrolled or otherwise emancipates.

If the minor child(ren) becomes emancipated while an arrears is owing the Defendant shall continue making payments in the same amount and manner as the prior ongoing support which shall be applied to the arrears until they are paid in full.

Entered: Clerk, Circuit Court for
Washington County, MD
July 21, 2022

This Order constitutes an immediate and continuing Withholding Order on all earnings due to the Defendant on or after the date of this Order, subject to the conditions set form in Maryland Family Law Code Annotated, Section 10-120 et. seq.

☐ An Earnings Withholding Order shall be levied at the Defendant's place of employer for the full amount of this child support obligation. (plus payment on arrears in the of $ _____ per month.)

☐ The Court finds good cause not to authorize an Earnings Withholding Order at this time, however, if the Defendant accumulates support payments arrears amounting to more than thirty (30) days of support, the Defendant shall be subject to Earning Withholding.

☒ The Defendant /Plaintiff (circle selection) currently provides health and hospitalization insurance coverage for the minor child(ren), through his/her employer or other coverage group, and shall continue to provide said coverage as long as it is available at a reasonable cost and is accessible to the child.

☐ Pursuant to Md. Code ann., Fam. Law Section 12-102 (2012 & Supp. 2015), the Defendant/Plaintiff (circle selection) shall provide such health and hospitalization insurance coverage for the minor child(ren) if it becomes available through an employer at a reasonable cost, and is accessible to the child. The provision for health insurance coverage through the responsible party's employer or any future employ, shall be issued thru the National Medical Support Notice and the responsible party's employer must enroll the child(ren) without regard to any reenrollment season restrictions.

☐ The Defendant/Plaintiff (circle selection) shall provide the Washington County Department of Social Services with evidence of said health and hospitalization coverage by_____.

The Defendant is ordered to notify the Washington County Department of Social Services within ten (10) days of any changes affecting their ability to make payments under this Order, change or address, employment, or availability of health and hospitalization insurance as long as the support order is in effect. Failure to comply with this directive will subject the Defendant to a penalty not to exceed $250.00 and may result in the Defendant's not receiving Notice of Proceedings for earnings or health insurance withholding.

All child support Orders are subject to review if there is a substantial material change of circumstances.

07/21/2022 2:57:31 PM

JUDGE

Judge Joseph Michael

I hereby consent to the passage of this Order.

_____

DEFENDANT

E-FILED; Washington Circuit Court
Docket: 12/6/2022 1:19 PM; Submission: 12/6/2022 1:19 PM

Washington County Department of Social Services, Child Support Division
Rear Entrance of 122 N. Potomac St. Hagerstown, MD 21740 (Office Hours Monday-Friday 8:00 A.M-4:30 P.M.)
Phone: (800)-332-6347 (Monday-Friday 8:00 A.M. to 5:00 P.M.)
Fax: 240-420-2112
washingtoncounty.childsupport@maryland.gov

Case Caption: ***Julie Kinna*** vs. ***David Barr*** Court Order Number: ***C-21-FM-21-000496***

Writ of Summons and Order to Appear

To: ***David Barr*** DOB:***06/30/1981*** RACE:***White***
12735 Pectonville Rd.
Big Pool, MD 21711

Phone: ***240-343-0524***

Employer: ***Ellsworth Electric 88 W. Lee St. Hagerstown, MD 21740***

Regarding the Matter:*Petition for contempt* **CSES:*580171722***

You are hereby summoned to file a written response to the attached Complaint filed by the Washington County Child Support Division by pleading or motion within thirty (30) days after service of this summons upon you in this Court. Failure to file a written response within the time allowed or to appear as directed may result in a default judgment or granting of the relief sought.

☐ Produce the following documents, items, and information, to the Child Support Office, 2 weeks Prior to your Court Hearing: **(1) Last 4 paystubs/Financial statement; (2) Employer's Name Address/Phone; (3) Last Year's Federal and State Tax Returns, if self employed; (4) W-2 and 1099 Forms for the past 3 years; (5) Receipts, cancelled checks, etc., to disprove arrears; (6) Evidence to support any claim of inability to maintain employment due to physical or mental disability; (7) In cases of establishment or modification of a court's order, you must also bring evidence of daycare expenses, extraordinary medical expenses, health insurance cost or any other additional expenses claimed by you.**

You are compelled to personally appear at a hearing before the Circuit Court for Washington County, Maryland located at 24 Summit Ave Hagerstown, Maryland on ***February 10th 2023*** at ***08:30AM***.

Failure to appear at court may result in the issuance of a Body Attachment or Bench Warrant for your arrest, dismissal of support services, or termination of your public assistance.

PLEASE TAKE NOTICE: Reasonable and proper attire is expected for all who attend sessions of the Circuit Court of Washington County, Maryland. Hats (except for religious purposes), undershirts, tank tops or halter tops, graphic T-shirts, shorts or cut off jeans and sandals are not considered appropriate. Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility. **Children are not permitted in the courtrooms.**

Date Issued:

G. Clair Baker Jr.
Magistrate

Return of Service

I certify that I delivered the original of this Writ of Summons and Order to Appear to the following person(s):

_____ on the following date:_____

by the following method (specific as required by Rule 2-126 or 3-126):_____.

☐Unserved, by reason of _____

_____ _____
Served by Defendant's Signature

_____
Defendant's Printed Name

E-FILED; Washington Circuit Court
Docket: 12/6/2022 1:19 PM; Submission: 12/6/2022 1:19 PM

STATE OF MARYLAND
JULIE MARIE-BARR KINNA
PLAINTIFF
VS.

DAVID LYNN BARR
12735 PECTONVILLE ROAD
BIG POOL MD 21711
DEFENDANT

C-21-FM-21-000496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

PETITION FOR CONTEMPT OF COURT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. On 07/21/2022, an Order was passed in the above entitled case directing DAVID LYNN BARR to pay $782.00 per month towards the support of ALYSSALYN L BARR, 09/13/2008, BRANTLEE BARR, 03/10/2013, GABRIELLA BARR, 07/06/2010, minor children born to JULIE MARIE-BARR KINNA.
2. That the order further stated that the Defendant shall pay $25.00 toward arrears of $5,474.00 as of 07/15/2022.
3. The said DAVID LYNN BARR has failed to make payments in accordance with this Order, and is in arrears as of $8,534.00 as of 12/01/2022.

WHEREFORE, the State of Maryland respectfully requests that this Court:

1. Find the Defendant in Contempt of the lawful Order of this Court.
2. Order the Defendant incarcerated for his willful contempt.
3. Levy a lien upon the earnings of the Defendant pursuant to the Annotated Code of Maryland, Family Law, Volume, Section 10-120, et. seq. in the amount of the child support previously awarded by this Court, together with a reasonable amount to be credited towards any arrearage.
4. Issue a Health Insurance Withholding Order to the employer of the Defendant pursuant to the annotated Code of Maryland, Family Law Volume, section 12-101, et. seq.
5. Impose sanctions on the Defendant to satisfy said obligation.

R. David Pembroke
Attorney for Child Support Division of
Washington County, MD
122 North Potomac St.
Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

STATE OF MARYLAND
JULIE MARIE-BARR KINNA
PLAINTIFF
VS.
DAVID LYNN BARR
12735 PECTONVILLE ROAD
BIG POOL MD 21711
DEFENDANT

C-21-FM-21-000496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

I swear and affirm under the penalties of perjury that the aforegoing Petition is true and correct to the best of my knowledge and belief.

R. David Pembroke
Attorney for Child Support Division of
Washington County, MD
122 North Potomac St.
Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

Washington County Department of Social Services
Child Support Enforcement Unit
P.O. Box 17286
Baltimore, MD 21297-1396
1-800-332-6347
Fax 240-420-2112

December 1, 2022

DAVID L BARR
12735 PECTONVILLE ROAD
BIG POOL, MD 21711

Re: Custodial Parent: JULIE MARIE-BARR KINNA
Non-Custodial Parent: David Lynn Barr
Case Number: 580171722

Dear DAVID BARR:

Greetings,

This is to advise you that there is a Contempt Hearing scheduled in the above referenced case due to your failure to comply with the last child support order. Please be advised that your ability to pay constitutes the critical question in this civil contempt action. The hearing will be held in the Circuit Court on February 10th 2023 at 08:30AM.

If you have any questions regarding this matter, please call 1-800-332-6347.

Thank you for your prompt response and cooperation.

Sincerely,

Linsay Gladhill
Child Support Specialist

This form contains Restricted Information.

MARYLAND JUDICIARY **CIRCUIT COURT FOR** Hagerstown / Washington (City/County), **MARYLAND**

Located at 24 Summit Ave. Hagerstown, Md (Court Address) Telephone 301-733-8660

Case No. C21-FM-21-000496

Plaintiff		Defendant
Julie Kinna	vs.	David Barr
28 Stephanie's Place (Street Address)		12729 Pecktonville Rd (Street Address)
Falling Waters WV (304) 995-5509 (City, State, Zip / Telephone)		Big Pool Md 21711 240-343-0524 (City, State, Zip / Telephone)
(E-mail)		dbarr81@icloud.com (E-mail)

PETITION TO MODIFY CHILD SUPPORT
(Family Law Art., Title 12)

MDEC counties only: You must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission.

NOTE: Complete and attach a financial form to this document. If parents' combined gross monthly income (not take home pay) is **$30,000 or less**, attach Financial Statement (Child Support Guidelines) (CC-DR-030); if the combined gross monthly income is **more than $30,000**, attach Financial Statement (General) (CC-DR-031).

My name is David Barr (Name) and I state that:

1. I am the ☐ mother ☑ father ☐ _____ (Relationship (for example, aunt, grandfather, guardian)) of the following child(ren) or adult disabled child(ren), including children who are under age 19, and are enrolled in secondary school:

Name(s)	Date(s) of birth
Alyssalyn Barr	9-13-08
Gabriella Barr	7-6-10
Brantlee Barr	3-10-13

2. On _____ (Date), the Circuit Court for Hagerstown / Washington (City/County) issued an order in case number 21-FM-21-000496, ordering David Barr (Name) to pay $ 782.00 (Amount) ☐ weekly, ☐ biweekly, or ☑ monthly toward the support of the child(ren).

FILED
2022 JUL 29 P 12:51
KEVIN R. TUCKER, CLERK

3. Since the most recent order, circumstances have changed (***check all that apply***):
☑ Expenses for the child(ren) have substantially increased (***explain***):
Alyssalyn lives with me since mid November - Full time. Her mother fully kicked her

out. She made a large disturbance at the hospital before walking out and leaving. While yelling at myself and Alyssa that she is never allowed back in her mothers house. Also dropped her from insurance

Case No. 21-FM-21-000496

☐ Expenses for the child(ren) have substantially decreased (***explain***):

_____

_____

☐ _____ (Name)'s income has substantially increased (***explain***):

_____

_____

☐ _____ (Name)'s income has substantially decreased (***explain***):

_____

_____

☐ The child(ren) is/are no longer entitled to receive child support because the child(ren) (***check all that apply***):

- ☐ has/have reached the age of 18 and is/are no longer in high school.
- ☐ has/have reached the age of 19.
- ☐ is/are married.
- ☐ is/are emancipated.
- ☐ has/have died.

☐ Other changes have occurred (***explain***): _____

_____

_____

FOR THESE REASONS, I request the court (***check all that apply***):

☐ order an increase in child support.

☑ order a decrease in child support.

☐ order child support to be paid (***check one***):

- ☐ by Earnings Withholding Order through the local support enforcement agency.
- ☐ directly to the person who has custody.

☐ order _____ (Name) to provide health insurance for the child(ren).

☐ order any other appropriate relief.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

1-19-23
Date

David Barr
Signature

David Barr
Printed Name

12729 Pecktonville Rd
Address

Big Pool Md 21711
City, State, Zip

240-343-0524
Telephone Number

dbarr81@icloud.com
E-mail

Fax

PEMCS
MOMOS

E-FILED; Washington Circuit Court
Docket: 4/14/2023 3:46 PM; Submission: 4/14/2023 3:46 PM

STATE OF MARYLAND

JULIE MARIE-BARR KINNA

PLAINTIFF

VS.

DAVID BARR

DEFENDANT

* C-21-FM-21-0000496

* IN THE CIRCUIT COURT FOR

* WASHINGTON COUNTY, MARYLAND

MODIFIED ORDER OF COURT

It is hereby ordered by the Circuit Court for Washington County, Maryland, that the Defendant be ordered to pay child support of $ 782.00 per Month for THREE child(ren), accounting from the 1ST day of MAY, 2023.

This Order makes child support payable direct to the Plaintiff and closes Maryland Child Support Administration (CSA) interest in this matter.

The Defendant as of the 14TH day of APRIL, 2023, is in arrears of $9,662.00 This balance will remain on the CSA system and collection is at the discretion of the Plaintiff. DLP: 1/19/2023 -All payments received through the Department will be released to the Plaintiff and credited towards the above stated child support balance until Order has been signed.

04/17/2023 10:54:44 AM

04/17/2023

JUDGE

Dana Moylan Wright

I hereby consent to the passage of this Order.

Julie M Kinna

PLAINTIFF

Entered: Clerk, Circuit Court for
Washington County, MD
April 17, 2023

E-FILED; Washington Circuit Court
Docket: 8/3/2023 9:47 AM; Submission: 8/3/2023 9:47 AM
Envelope: 13523012

STATE OF MARYLAND
JULIE MARIE-BARR KINNA
PLAINTIFF

VS.

DAVID L BARR
DEFENDANT

21-FM-21-000496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

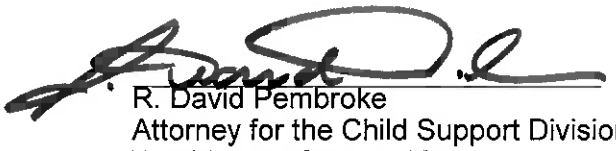
LINE AND CHANGE OF PAYEE

Please enter the appearance of R. David Pembroke, Attorney, for the Child Support Division of Washington County, Maryland, for the limited purpose of child support establishment, enforcement, collection and medical support.

R. David Pembroke
Attorney for the Child Support Division of
Washington County, MD
122 North Potomac St.
Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on July 28, 2023, a copy of the aforegoing Line and Change of Payee were mailed or hand delivered to David Barr, 12735 Pecktonville Road, Big Pool, MD 21711.



R. David Pembroke
Attorney for the Child Support Division of
Washington County, MD
122 North Potomac St.
Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

Washington County Department of Social Services Child Support Division
Rear Entrance of 122 N. Potomac St. Hagerstown, MD 21740 (Office Hours Monday-Friday 8:00 A.M-4:30 P.M.)
Phone: (800)-332-6347 (Monday-Friday 8:00 A.M. to 5:00 P.M.)
Fax: 240-420-2112

Case Caption: Julie M. Barr Kinna vs. David L. Barr Court Order Number: C-21-FM-21-000496

To: David L. Barr DOB: 6/30/1981 RACE: C
12735 Pecktonville Road
Big Pool, MD 21711
Phone: **240-343-0524**
Employer:

Regarding the Matter of: Change of Payee CSES: 580171722

Dear **Mr. Barr**,

This letter is to notify you that effective **August 1, 2023** this agency is now responsible for the enforcement of your support order. The Department will be collecting and disbursing support payments that were previously payable directly to **Julie M. Barr Kinna**. Do not send any further direct payments to **Julie M. Barr Kinna**.

If you are employed the Department will issue an immediate earnings withholding order to your employer. Until the earnings withholding order is implemented or if you are a 1099/cash employee you are responsible to send your support payments in a timely manner.

Support Payments may be mailed in the form of check or money order, made payable to:

Maryland Child Support Account
P. O. Box 17396
Baltimore, MD 21297

You can also pay your Child Support electronically by visiting:

md.smartchildsupport.com

Please note: If you account is 30 days in arrears, we are required by state regulation to take enforcement action against you. These enforcement actions may include but not limited to an amended wage withholding order to include an additional amount towards accumulated arrears, driver's license suspension, consumer credit report, and contempt of court or tax intercepts. By law you must notify us within ten (10) days of any change in your address or employment. Please contact this office if you have questions or want to discuss this case.

M. Crampton 7/28/23

M. Crampton Date
Child Support Specialist.

STATE OF MARYLAND
WASHINGTON COUNTY DEPARTMENT
OF SOCIAL SERVICES CHILD SUPPORT DIVISION
And

C-21-FM-21-000496

IN THE CIRCUIT COURT

Julie M. Barr Kinna
PLAINTIFF

FOR

VS.

WASHINGTON COUNTY, MARYLAND

David L. Barr
DEFENDANT

NOTICE OF CHANGE OF PAYEE

On May 1, 2023, the Defendant, David L. Barr, was placed under an Order to pay child support payments in the amount of $782.00. These payments were payable directly to Julie M. Barr Kinna.

The Plaintiff, Julie M. Barr Kinna, has

(a) Applied for child support services to Washington County Department of Social Services, or,

(b) Assigned the right to receive child support payments to the Washington County Department of Social Services.

In accordance with Family Law Article Section 10-108.3 of the Annotated Code of Maryland, the Defendant, David L. Barr, shall pay all future child support payments to: Effective August 1, 2023

Maryland Child Support Account
P.O. Box 17396
Baltimore, Maryland 21297-1396

The Defendant shall include his/her name and case number 58017722 on all payments.

7/28/2023
Date

M. Crawford
Child Support Specialist II
1-800-332-6347

This form contains Restricted Information.

MARYLAND JUDICIARY **CIRCUIT COURT FOR** Washington (City/County), **MARYLAND**

Located at _____ (Court Address) Telephone _____

Case No. 21-FM-21-000496

Julie Kinna (Plaintiff)		David Barr (Defendant)	
28 Stephanies PL (Street Address)		12729 Pecktonville Rd (Street Address)	
Falling Waters WV (City, State, Zip)	304-995-5509 (Telephone)	Big Pool MD 21711 (City, State, Zip)	240-343-0524 (Telephone)
_____ (E-mail)		_____ (E-mail)	

PETITION TO MODIFY CHILD SUPPORT
(Family Law Art., Title 12)

MDEC counties only: You must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission.

NOTE: Complete and attach a financial form to this document. If parents' combined gross monthly income (not take home pay) is **$30,000 or less**, attach Financial Statement (Child Support Guidelines) (CC-DR-030); if the combined gross monthly income is **more than $30,000**, attach Financial Statement (General) (CC-DR-031).

My name is David Barr (Name) and I state that:

1. I am the ☐ mother ☑ father ☐ _____ (Relationship (for example, aunt, grandfather, guardian)) of the following child(ren) or adult disabled child(ren), including children who are under age 19, and are enrolled in secondary school:

Name(s)	Date(s) of birth
Alyssalyn Barr	9-13-08
Gabriella Barr	7-6-10
Brantlee Barr	3-10-13

2. On 7-16-22 (Date), the Circuit Court for Washington (City/County) issued an order in case number 21-FM-21-000496, ordering David Barr (Name) to pay $ 807 (Amount) ☐ weekly, ☐ biweekly, or ☑ monthly toward the support of the child(ren).

FILED
2022 SEP 12 P 12:17
KEVIN R. TUCKER, CLERK
BY

3. Since the most recent order, circumstances have changed (***check all that apply***):
☑ Expenses for the child(ren) have substantially increased (***explain***):
Therapy bills, living arrangement, number of overnights, income on both sides

Case No. 21-FM-21-000496

☐ Expenses for the child(ren) have substantially decreased (***explain***):

☑ Julie Kinna's income has substantially increased (***explain***):
Working full time plus overtime

☐ _____'s income has substantially decreased (***explain***):

☒ The child(ren) is/are no longer entitled to receive child support because the child(ren) (***check all that apply***):

- ☐ has/have reached the age of 18 and is/are no longer in high school.
- ☐ has/have reached the age of 19.
- ☐ is/are married.
- ☐ is/are emancipated.
- ☐ has/have died.

☑ Other changes have occurred (***explain***): Children spend more over nights with myself

FOR THESE REASONS, I request the court (***check all that apply***):

☐ order an increase in child support.

☑ order a decrease in child support.

☐ order child support to be paid (***check one***):

- ☐ by Earnings Withholding Order through the local support enforcement agency.
- ☐ directly to the person who has custody.

☐ order _____ to provide health insurance for the child(ren).

☑ order any other appropriate relief.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

9-14-23
Date

David Barr
Signature

David Barr
Printed Name

12729 Pecktonville Rd
Address

Big Pool Md 21711
City, State, Zip

240-343-0524
Telephone Number

dbarr81@icloud.com
E-mail

Fax

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

State of Maryland
Julie Barr-Foltz (Kinna) *
*
PLAINTIFF *
*
vs. * CASE NO. C-21-FM-21-0004960
*
David Barr *
*
DEFENDANT *

****

FAMILY MAGISTRATE'S RECOMMENDATIONS FOR CHILD SUPPORT

Issues pertaining to child support came for hearing before the Family Magistrate on the 17th day of November 2023. Present at the hearing: Attorney for State, ☑ Plaintiff ☑ Defendant

All testimony and the Family Magistrate's Recommendations for Child Support were electronically recorded at said hearing, and said recording is made a part of the Court file in this matter for a period of sixty (60) days. Accordingly, the Family Magistrate makes the following recommendations.

ISSUES:

☐	Establishment of Child Support	☐	Contempt
☐	Paternity	☐	Genetic Testing
☑	Modification (Decrease)	☐	Modification (Increase)
☐	Termination	☐	Other

(☐) That Defendant be ordered and directed to pay the amount of $_____ per month as child support for the minor child or children of the parties, accounting from the 1st day of December 2023. Said payments are payable to the Maryland Child Support Account, P. O. Box 17396, Baltimore, Maryland 21297-1396.

(☐) That child support arrears are established at $12,790.00 as of the 17th day of November 2023, and said child support arrears be ordered and directed to be paid in the amount of $_____ per month, in addition to the aforesaid child support, accounting from the 1st day of December 2023. Said payments are payable to the Maryland Child Support Account, P. O. Box 17396, Baltimore, Maryland 21297-1396.

(☑) That: (i) this constitutes an immediate and continuing withholding order on all earnings of the Obligor on or after the date of the recommended order, and that the withholding order be served immediately on the Obligor's employer; and (ii) the Obligor is required to notify the Court within ten (10) days of any change of address or employment as long as the order is in effect; and (iii) failure to comply with paragraph (c) of this subsection (Family Law Article 10-120) will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of proceedings for earnings withholding.

Entered: Clerk, Circuit Court for
Washington County, MD
November 17, 2023

(☐) That ☐ Plaintiff ☐ Defendant be ordered and directed to provide medical coverage for the minor child or children of the parties (if available through an employer or any form of group health insurance coverage at a reasonable cost) and furnish ☐ Plaintiff ☐ Defendant with the appropriate forms and information. Any costs not covered by insurance or not reimbursed by an insurance provider shall be:

☐ paid by ☐ Plaintiff ☐ Defendant.

☐ divided equally between the parties.

(☐) That the provision for medical coverage through the Obligor's present employer, or any subsequent employers, be issued separately from the wage lien as a withholding order.

(☐) That Defendant is found to be the father of the minor child and paternity is hereby established.

(☐) That Defendant's request for genetic testing is hereby ☐ granted ☐ denied. Testing shall take place at the Department on _____ at 8:30 a.m. The cost of the genetic testing is $_____ and shall be paid by Defendant at the time of the testing by money order payable to Maryland Child Support.

(☑) That the Motion to Modify child support shall be ☐ granted ☑ denied.

(☐) That the request to terminate child support through the Department of Social Services shall be ☐ granted ☐ denied.

☐ Arrearages in the amount of $_____ shall be extinguished.

☐ Arrearages in the amount of $_____ shall be reduced to a judgment in favor of Plaintiff.

(☐) Contempt to be dismissed.

(☐) Other: _____

_____

_____

_____

_____

_____

G. Clair Baker, Jr., Family Magistrate

NOTICE

If you do not agree with the Family Magistrate's Recommendations for Child Support, you may file exceptions pursuant to Maryland Rule 9-208. Exceptions shall be in writing and shall set forth the asserted error with particularity. Any matter not specifically set forth in the exceptions is waived unless the Court finds that justice requires otherwise. Since the exceptions procedure is limited by Rule 9-208, representation by counsel is strongly advised.

A transcript must be requested at the time the exceptions are filed. **The Excepting Party must contact the Court Reporter and pay to the Court Reporter the amount necessary to ensure full payment for preparation of the transcript.** The amount due for the transcript is payable by attorney trust fund check, money order or cash. Should the cost amount to more, the balance due is required before the transcript will be delivered. The transcript must be filed within thirty (30) days from the filing of the exceptions. The recording of the hearing will be erased sixty (60) days from the date of the hearing unless a transcript is ordered as stated above.

FAILURE TO COMPLY WITH ANY OF THESE REQUIREMENTS MAY RESULT IN PROMPT DISMISSAL OF THE EXCEPTIONS AND THE IMMEDIATE ENTRY OF THE FAMILY MAGISTRATE'S PROPOSED ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November 2023, copies of the foregoing Family Magistrate's Recommendations for Child Support were:

☑ hand delivered to: Plaintiff
☐ mailed (first class postage prepaid) to:

☑ hand delivered to: Defendant
☐ mailed (first class postage prepaid) to:

☑ hand delivered to: Washington County Dept. of Social Services
☐ mailed (first class postage prepaid) to:

G. Clair Baker, Jr., Family Magistrate

E-FILED; Washington Circuit Court
Docket: 11/24/2023 3:16 PM; Submission: 11/24/2023 3:16 PM
Envelope: 14615115

IN THE DISTRICT COURT FOR WASHINGTON COUNTY, MARYLAND

JULLIE BARR-FLOTZ	*	
Plaintiff	*	
	*	
V.	*	Case No. C-21-FM-21-00946
	*	
DAVID BARR	*	
Defendant	*	
	*	

ENTRY OF APPEARANCE

Pursuant to Rule 2-131, Victor E. Cretella III, Esq. enters his appearance on behalf of

Defendant David Barr

.
Respectfully submitted,

/s/ Victor E. Cretella III__

Victor E. Cretella III, Esq.
No. 9612170207
The Law Office of Victor E. Cretella
168 W. Main Street, #712
New Market, MD 21774
301-228-2705
victor@vcretellalaw.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing on November 24, 2023 to David Roland Pembroke, 122 N. Potomac Street, Hagerstown, MD 21740 by MDEC and to Julie Barr-Foltz, 28 Stephanies Place, Falling Waters, WV 25419 by first class mail

/s/ Victor E. Cretella III__

E-FILED; Washington Circuit Court
Docket: 11/24/2023 3:16 PM; Submission: 11/24/2023 3:16 PM
Envelope: 14615115

CIRCUIT COURT FOR WASHINGTON COUNTY
COURT REPORTING SERVICES

REQUEST FOR COPY OF DIGITAL RECORDING

DATE: _____

All requests must be made to the court reporter assigned to the judge/magistrate who presided over the hearing.

Requests in Writing should be addressed to the Appropriate court reporter at the below address:

24 Summit Avenue
Hagerstown, MD 21740

***CHARGES**: The cost is $25 per hearing session. Payment in full must be received before your order is processed.*
Payment will be coordinated with the Court Reporter. Please call the assigned court reporter for more information.

Court Reporters:
Tracy Zamora (Hon. Brett R. Wilson) 240-313- 2548
Kelly Pierce (Hon. Dana Moylan Wright) 240-313-2519
Dee Barnhart (Hon. Viki M. Pauler) 240-313-2554
Debra Kline (Hon. Mark K. Boyer) 240-313-2547
Linde Cessna (Hon. Andrew F. Wilkinson) 240-313-2564
Tressa Clifford (Hon. Joseph S. Michael) 240-313-2544
Sandra Faith (Magistrate G. Clair Baker) 240-313-2574

CASE NAME: Julie Barr-Flotz v. David Barr

CASE NUMBER(S): C-21-FM-21-000496

DATE(S) OF PROCEEDINGS:	**JUDGE/MAGISTRATE:**
11-17-2023 8:30 a.m.	Magistrate Baker

REQUESTED BY: Victor E. Cretella III, Esq.

ADDRESS: 111 W. Washington St.
Hagerstown, MD 217734

PHONE: 301-524-8081

EMAIL: victor@vcretellalaw.com

FAX: _____

Are you a party or an attorney representing a party in this case? YES: X NO: _____

***SIGNATURE OF THE REQUESTOR**:* /s/ Victor E. Cretella III

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Revised 1-30-23

E-FILED; Washington Circuit Court
Docket: 11/27/2023 11:57 AM; Submission: 11/27/2023 11:57 AM
Envelope: 14623862

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JULIE BARR-FLOTZ	*	
Plaintiff	*	
	*	
V.	*	Case No. C-21-FM-21-00496
	*	
DAVID BARR	*	
Defendant	*	
	*	

DEFENDANT DAVID BARR'S EXCEPTISON TO THE MAGISTRATE'S RECOMMENDATIONS

Pursuant to Rule 9-208, Defendant David Bar, through undersigned counsel, takes these exceptions to the recommendations made by the magistrate at the November 17, 2023 modification hearing, stating as follows:

FACTUAL AND PROCEDURAL BACKGROUND

The parties have three children: Alysalyn Barr (9-13-08); Gabriella Barr (7-6-10) and Brantlee Barr (3-10-13).

This Court entered a judgment for absolute divorce for the parties in Case Number C-21-FM-18-000928 on March 7, 2019.

On or about July 15, 2022, this Court awarded child support to Plaintiff, Julie Kinna, a/k/a Julie Barr-Flotz in the amount of $782 per month. At the time that the child support was entered, Plaintiff Julie Barr-Flotz was not working.

Plaintiff has since started working and is now making $3,908 per month. Pursuant to the child support worksheet prepared by the Department of Social Services, Defendant David Barr's child support obligation should now be $306 per month. Ex. A hereto. Furthermore, the number of overnights with the children for each parent has also changed, which could further modify each parties' support obligations.

On September 15, 2023, Defendant David Barr filed a petition to modify Custody. Defendant sought to reduce his child support obligation to bring it line with Maryland's child support guidelines.

On November 17, 2023, this Court held a hearing on Defendant's Petition to Modify Child Support. Magistrate Baker denied the petition.

LEGAL DISCUSSION

Defendant's child support obligations should be modified in this case. "The court may modify a child support award . . . upon a showing of a material change of circumstance." Md. Code Ann., Fam. Law § 12-104. "[T]he case law has established that, for purposes of the modification of child support, a material change in circumstances may be based either on a change in "the needs of the children or in the parents' ability to provide support." Smith v. Freeman, 149 Md. App. 1, 20–21, 814 A.2d 65, 76 (2002). This standard is "disjunctive", i.e. "a court may modify child support based on one of two alternative grounds, i.e., a change in needs or a change in parental resources. Id. at 21, 814 A.2d at 77 (emphasis in original). A "relevant change in circumstance may occur when there is a change in the income pool of a parent used to calculate the child support obligation." Id. When determining whether a change in income amounts to a material change in circumstances, the Court "must specifically focus on the alleged changes in income or support that have occurred since the previous child support award." Drummond v. State to Use of Drummond, 350 Md. 502, 511, 714 A.2d 163, 168 (1998) (emphasis omitted).

Furthermore, the Court should first evaluate whether the change in income is relevant to the "level of support a child is actually receiving or entitled to receive." Wills v. Jones, 340 Md. 480, 488–89, 667 A.2d 331, 335 (1995); Wheeler v. State, 160 Md. App. 363, 372–73, 864 A.2d

210, 215–16 (2004). When performing these calculations, the Court should generally apply the parties' income to Maryland's child support guidelines. Drummond, 350 Md. at 511–12, 714 A.2d at 168 (explaining Maryland Ann. Code, Family Law §§ 12-201 to 12-204. "Once a court finds that a material change in circumstance has occurred, it must apply the guidelines in §§ 12–202 to 12–204 of the Family Law Article to determine the level of support to which the child is currently entitled. § 12–202(a)." Wills, 340 Md. at 491, 667 A.2d at 336. "It should generally be unnecessary to inquire into a parent's motivations, intentions, or income-earning capacity, because the court can focus on the specific alleged changes to the income sustained by each parent." Id. A change in the amount of time that a child spends with a parent may also establish a material change of circumstances if it impacts the amount of support required under the guidelines. Payne v. Payne, 132 Md. App. 432, 445–46, 752 A.2d 1209, 1216 (2000) (suggesting that child support obligation should change if the child's overnight access with a parent increased above 35% for the year). Second, the court should evaluate whether a change in income "is of sufficient magnitude to justify judicial modification of the support order". Wills, 340 Md. at 488–89, 667 A.2d at 335.

When evaluating recommendations issued by a magistrate, this Court must make two different determinations. First, it should subject the magistrate's fact-finding to the "clearly erroneous" standard. Kierein v. Kierein, 115 Md. App. 448, 453, 693 A.2d 1157, 1159–60 (1997). Thus, a magistrate's findings should be upheld if they are supported by "credible evidence". Id. The clearly erroneous standard applies only to "first-level" fact finding, i.e. "fact finding that do[es] not resolve legal issues in the case". Id., at 454–55, 693 A.2d at 1160.

> Deference will be accorded to the facts as found by the Master, but this only applies to "first-level" facts. First-level facts are those that answer the What?, Where? and How? questions. Deference is not accorded to "second-level" facts or to recommendations.

> Second-level facts are ultimate conclusions drawn from the first-level facts. Second-level facts are conclusions and inferences drawn from first-level facts. A first-level fact would be that one or both parents used drugs. A second-level fact would be that that use did or did not affect Chad. A recommendation would be a change or lack of change of custody. [Citation omitted.]

Cousin v. Cousin, 97 Md. App. 506, 514–15, 631 A.2d 119, 124 (1993); Kierein, 115 Md. App. at 454–55, 693 A.2d at 1160 ("Second-level fact finding, however, connotes . . . conclusory or dispositional fact finding that has ultimate legal significance—the mixed question of law and fact").

The recommendations made by the magistrate "warrant an independent consideration by the trial court"; in other words, "the trial court must always independently determine what to make of" the facts found by the magistrate:

> The ultimate conclusions and recommendations of the master are not simply to be tested against the clearly erroneous standard, and if found to be supported by evidence of record, automatically accepted. That the conclusions and recommendations of the master are well supported by the evidence is not dispositive if the independent exercise of judgment by the chancellor on those issues would produce a different result.

Kierein v. Kierein, 115 Md. App. 448, 453, 693 A.2d 1157, 1159–60 (1997). "Although the chancellor may and should give consideration to the recommendations of the master, the final decision must be that of the chancellor." Krikstan v. Krikstan, 90 Md. App. 462, 469, 601 A.2d 1127, 1130 (1992).

In this light:

> Maryland's appellate courts have concluded that, when faced with exceptions to the master's findings of fact, the trial court must exercise its independent judgment, consider the allegations, and decide each such question." The judge "should, in an oral or written opinion, state how he resolved those challenges. Having determined which facts are properly before him, and utilizing accepted principles of law, the chancellor must exercise

> independent judgment to determine the proper result." The trial court is faced with this responsibility when considering exceptions to a master's first or second-level fact finding. As the Court of Appeals said in Kirchner, "the written or oral opinion of the chancellor should address the issues relating to the conclusions to be drawn from the facts found" in addition to addressing the issues surrounding challenges to a master's finding of fact. Moreover, "the chancellor's opinion should reflect consideration of the relevant issues and the reasoning supporting the chancellor's independent decisions on those issues."

Kierein v. Kierein, 115 Md. App. 448, 454–55, 693 A.2d 1157, 1160 (1997).

Here, the facts adduced at the evidentiary hearing establish that there has been a material change of circumstances warranting a modification of Defendant's child support obligation. The undisputed evidence establishes that Plaintiff Julie Kinna has started working since the child support order was entered on the record and is now making significant income. Based upon the application of that income to the child support guidelines, Defendant David Barr's child support obligations would be reduced by $476 or in excess of 60%. This change is of sufficient magnitude to warrant modification of the current support order. Yet the magistrate did not consider this fact or erroneously rejected the evidence supporting this reduction.

Instead, the magistrate seemed to unreasonably focus on the number of overnights that each parent had with the child when calculating the amount of child support. However, even under those facts, the magistrate's decision to deny modification did not give due regard to the facts of the case, and in fact warranted a modification. Accordingly, this Court should apply its independent judgment and modify Defendant's child support obligations consistent with the evidence presented at the hearing, which is inconsistent with the Magistrate's Recommendations.

WHEREFORE, the Court should reduce the Plaintiff's child support obligation to $306 per month, or, in the alternative, hold further evidentiary proceedings to evaluate the proper

amount of child support in line with the parties' income and access schedule, and/or grant such further relief as justice requires.

Respectfully submitted,

/s/ Victor E. Cretella III__
Victor E. Cretella III, Esq.
No. 9612170207
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168 W. Main Street, #712
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301-228-2705
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing on November 27 2023 to David Roland Pembroke, 122 N. Potomac Street, Hagerstown, MD 21740 by MDEC and to Julie Barr-Foltz, 28 Stephanies Place, Falling Waters, WV 25419 by first class mail

/s/ Victor E. Cretella III__

E-FILED; Washington Circuit Court
Docket: 11/27/2023 11:57 AM; Submission: 11/27/2023 11:57 AM
Envelope: 14623862

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JULLIE BARR-FLOTZ	*	
Plaintiff	*	
	*	
V.	*	Case No. C-21-FM-21-00446
	*	
DAVID BARR	*	
Defendant	*	
	*	

CERTIFICATION OF COMPLIANCE

Pursuant to Rule 9-208, David Barr, through undersigned counsel, certifies that he has ordered a copy of the transcript of the hearing held before Magistrate Baker on November 17, 2023, which hearing is the subject of Defendant's exceptions, and agreed to pay for the transcript pursuant to the reporter's standard practices.

Respectfully submitted,

/s/ Victor E. Cretella III
Victor E. Cretella III, Esq.
No. 9612170207
The Law Office of Victor E. Cretella
168 W. Main Street, #712
New Market, MD 21774
301-228-2705
victor@vcretellalaw.com
Attorney for Defendant

CERTIFICATE OF SERVICE

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/s/ Victor E. Cretella III

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740

To: DAVID BARR
12729 PECKTONVILLE RD
HAGERSTOWN MD 21740

Case Number: C-21-FM-21-496
Other Reference Number(s):

NOTICE OF RELEASE OF EXHIBITS
Md. Rule 20-106

Under Maryland Rule 20-106(e), paper documents submitted or offered into evidence in open court are, as soon as practicable, to be scanned by the clerk and the originals returned to the party who submitted them.

☒ The original document(s) and/or exhibit(s) received in open court will be available for pick-up in the Civil Department between **11/17/23 to 12/17/23** after which time they will be disposed of accordingly.
DEFENDANTS 1-2 FROM HEARING ON 11/17/23

☐ Enclosed please find original document(s) and/or exhibit(s), received in open court in the referenced case that have been scanned and recorded as part of the original record, and are now being released.

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NOTE: Items offered as exhibits but which cannot be scanned due to their size or other physical properties are, unless otherwise ordered by the court, to be retained by the clerk for 30 days or, if an appeal is noted, until all appeals are exhausted, and then released, as provided under Maryland Rule 16-405. A separate notice will be sent when those items, if any exist in this case, are eligible for release.

Kevin R. Tucker
Clerk of the Circuit Court

Plaintiff: _____ / /

Defendant: _____ 12/1/23 / /

CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 Summit Avenue
Hagerstown, Maryland 21740

Destroyed on 12/19/23

To: DAVE PEMBROKE
WCDSS
122 NORTH POTOMAC ST
HAGERSTOWN MD 21740

Case Number: C-21-FM-21-496
Other Reference Number(s):

NOTICE OF RELEASE OF EXHIBITS
Md. Rule 20-106

Under Maryland Rule 20-106(e), paper documents submitted or offered into evidence in open court are, as soon as practicable, to be scanned by the clerk and the originals returned to the party who submitted them.

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STATES 1-3 FROM HEARING ON 11/17/23

☐ Enclosed please find original document(s) and/or exhibit(s), received in open court in the referenced case that have been scanned and recorded as part of the original record, and are now being released.

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Kevin R. Tucker
Clerk of the Circuit Court

Plaintiff: _____/____/_____

Defendant: _____/____/_____

E-FILED; Washington Circuit Court
Docket: 1/9/2024 2:41 PM; Submission: 1/9/2024 2:41 PM
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IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

STATE OF MARYLAND	*	
JULIE BARR KINNA	*	
Plaintiffs	*	
VS.	*	CASE NO. C-21-FM-21-496
DAVID BARR	*	
Defendant	*	

TRANSCRIPT OF PROCEEDINGS

(MOTION TO MODIFY (DECREASE) CHILD SUPPORT)

HELD: November 17, 2023 at 11:59 a.m.

BEFORE:

FAMILY LAW MAGISTRATE G. CLAIR BAKER, JR.

APPEARANCES:

Counsel for the Department:

R. DAVID PEMBROKE, Esquire

Plaintiff, Julie Barr Kinna - appears pro se

Defendant, David Barr - appears pro se

TRANSCRIBED FROM ELECTRONIC RECORDING BY:
SANDRA L. FAITH, COURT REPORTER
CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND
24 SUMMIT AVENUE, SUITE 226
HAGERSTOWN, MARYLAND 21740
TELEPHONE: (240) 313-2574

PROCEEDINGS

MR. PEMBROKE: I'd call the matter of Julie Barr Kinna and David Barr, FM-21-496, the matter is here for a decrease.

MAGISTRATE: Would you both remain standing please and raise your right hands?

(The Plaintiff, Julie Barr Kinna, and the Defendant, David Barr, were both duly sworn in by the Clerk.)

MAGISTRATE: Alright, Mr. Barr, your name and address please, Sir?

DEFENDANT: David Barr, 12729 Pectonville Road, Big Pool, Maryland.

MAGISTRATE: And is it Kinna?

PLAINTIFF: Julie Kinna.

MAGISTRATE: Alright, Ms. Kinna, your name and address, please?

PLAINTIFF: Do you want full name or just Julie Kinna?

MAGISTRATE: Your name and address, please.

PLAINTIFF: Julie Marie Barr Kinna, 28 Stephanie's Place, and that's Falling Waters, West Virginia.

MAGISTRATE: Alright, thank you. You can be seated. Did I swear them in?

CLERK: Yes.

MAGISTRATE: Alright, short-term memory loss.

Alright, Mr. Barr, this is your - - u'm - - Motion, so what do you want to tell us, please?

DEFENDANT: Good Morning, Your Honor. I brought this Motion between - - before the Court today for a decrease - - u'm - - based off of numerous things. U'm - - the overnights, the incomes, medical bills, and - - and so on. U'm - - the original Order had our children - - one child, one hundred percent at her mothers.

MAGISTRATE: Do you have a current Court Order of - - uh - - custody?

DEFENDANT: Uh - - it's still the same, it was fifty-fifty, and but there's nothing - - nothing has changed.

MAGISTRATE: Alright, you are talking about your three children?

DEFENDANT: Yes, Sir.

MAGISTRATE: Brantley, Gabriella, and Alysalyn?

DEFENDANT: Alysalyn.

MAGISTRATE: Alright, so they are the same three children we are talking about, and it's what? A shared physical custody arrangement by Court Order?

DEFENDANT: Yes.

MAGISTRATE: Alright, so what's changed about overnights?

DEFENDANT: U'm - - when the Court Order was made, Alysalyn was staying with her mother one hundred percent

of the time.

MAGISTRATE: Well then, that wasn't shared physical custody of the three children.

DEFENDANT: It - - it was by the child's choice. We never changed the actual Court Order for custody. Because I was told in the Court - - I mean, the Order is still fifty-fifty, but the last time we were in Court we were told that it doesn't matter what the Court Order says and it goes off of what is actually - - where the kids are actually staying physically.

MAGISTRATE: Not if there's a Court Order.

DEFENDANT: I've been paying for the last year and a half as if she had been living fulltime with her and - - and the Court Order says fifty-fifty though.

MAGISTRATE: Alright, but the Court Order still says fifty-fifty, correct?

DEFENDANT: Yes.

MAGISTRATE: Okay. What else?

DEFENDANT: U'm - - he - - u'm - - as of November 21st of last year, uh - - Alysa had been staying with her mother fulltime. U'm - - her mother actually had her ambulanced to Berkeley County Hospital and left her there. I went there and picked her up. U'm - - and she's been - - and I took her home with me. U'm - - there's been some behavioral - - uh - - mental conditions

that is being dealt with. U'm - - the other two children have not been fifty-fifty, it's been more of a sixty-forty. U'm - - as far as last - - the months of last year in April - - or u'm - - April, May, and - -

MAGISTRATE: How much more do we have with this, Sir?

DEFENDANT: I'm just going through - -

MAGISTRATE: I mean, I know you - - I'm not trying to cut you off. I just want to know how much time and evidence you are going to present.

DEFENDANT: I mean, just the - -

MAGISTRATE: You talk about income. Do you have a financial statement or - -

DEFENDANT: I supplied - - uh - - paystubs. Because I know both of our incomes have changed.

MAGISTRATE: Alright. Alright, what other cases do you have, Mr. Pembroke? One other? One or two?

MR. PEMBROKE: Uh - - I believe this is the last for you. I have a case to recall for Judge Wright.

MAGISTRATE: Okay, alright. Alright, u'm - - okay, Mr. Barr, tell me about the income.

DEFENDANT: U'm - - I'm now, as of last May, working for the State of Maryland. I was self-employed before that, and I believe - - I believe she's working fulltime now as of last - - uh - - April, I believe.

MAGISTRATE: Alright, well what's your income, Sir?

DEFENDANT: It is - - my bring home - -

MAGISTRATE: No, your gross income. Do you have paystubs?

DEFENDANT: Yes, Sir.

MAGISTRATE: Do you want to hand those up, please? We'll have them marked.

(Defendant's Exhibit No. 1 is marked for identification.)

MAGISTRATE: Have you seen paystubs, Mr. Pembroke?

MR. PEMBROKE: I have, Your Honor, thank you.

MAGISTRATE: Alright. Alright, so you're working for the State of Maryland, and are you salaried or by the hour?

DEFENDANT: Uh - - I believe it's salary.

MAGISTRATE: Your gross is $2,407.09 - - u'm - - bi-weekly?

DEFENDANT: That sounds correct.

MAGISTRATE: That's what it looks like here, Sir.

DEFENDANT: Yes.

MAGISTRATE: Okay.

DEFENDANT: I usually just look at the bottom - - bottom figure number.

MAGISTRATE: Well, we all look at the bottom, but child support makes us look at the top. Alright?

DEFENDANT: I understand.

MAGISTRATE: Do you cover the children with health insurance?

DEFENDANT: At this time, I do not.

MAGISTRATE: And what were you earning before?

DEFENDANT: Uh - - the equivalent of Fourteen Dollars an hour, trying to run or start my own business. So, this is a major - -

MAGISTRATE: Oh rats - - excuse me. (Magistrate looking on computer monitor.)

DEFENDANT: I also had submitted, Your Honor, u'm - - two large medical bills that I had been paying too.

MAGISTRATE: And who - - which child incurred the medical bills?

DEFENDANT: Alysalyn and Gabriella.

MAGISTRATE: And what are the bills for?

DEFENDANT: U'm - - for Gabriella, they were for orthodontics, her braces. And Alysa, for her therapy.

MAGISTRATE: Alright, do you have copies of those?

DEFENDANT: Yes, Sir.

MAGISTRATE: Do you want to hand those up, please?

DEFENDANT: Yes, Sir.

CLERK: Do you want these marked as one exhibit?

MAGISTRATE: I'm sorry?

CLERK: Do you want them marked as one exhibit or two separate?

MAGISTRATE: One is fine.

(Defendant's Exhibit No. 2 is marked for identification.)

MAGISTRATE: Do you have those, Mr. Pembroke?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Have you seen those?

PLAINTIFF: No.

MAGISTRATE: Let me take a look at them and then we'll hand them back to her.

BAILIFF: Here you go.

MAGISTRATE: Thank you. (Magistrate reviews Defendant's Exhibit No. 2.) This service started in May of 2022, Mr. Barr? That's what it says, date of service is May 16th of 2022.

DEFENDANT: Yes.

MAGISTRATE: Is there a reason this wasn't addressed in other Child Support Orders?

DEFENDANT: I brought the paper in, and because of the legality, it was thrown out because it said that I brought the - - u'm - - the quotation and not the actual bill. So, I brought in that it has been fully paid. That I - - that I paid it. And I've - - I paid it all.

MAGISTRATE: Well, you would've had a signed Contract by April 17th of 2023 when this Court Order was modified ordering you to pay.

DEFENDANT: This original Order was done in July of - - uh - - of 2021. I tried to modify it last May, and at the - - and we went there to modify, and - - u'm - -

MAGISTRATE: Well you filed a Motion to Modify on January 19th, 2023.

DEFENDANT: Yes, Sir.

MAGISTRATE: There's a Modification Order on April 17th, 2023. But as I read it, it looks like it only modified an arrearage.

DEFENDANT: What it - - what it did was, my - - my ex-wife dropped the entire case. She dropped it. I owed - -

MAGISTRATE: I'm looking at a Court Order Sir that says you owe Nine Thousand Six Hundred Sixty-Two Dollars in arrears. I don't see any modification of the monthly amount.

DEFENDANT: That's - - that's what I'm saying, Your Honor, there wasn't - - before we could even go into the courtroom, she signed a paper to drop it, and it shelfed.

MAGISTRATE: Well, if she dropped it, why are we talking about a - - I'm not understanding you.

DEFENDANT: She dropped the Order to ask for child support.

MAGISTRATE: Then why are we here?

DEFENDANT: They turned it off. She turned it back

on undenounced to me in September, and brought everything back.

MAGISTRATE: Well there's no Court Order dismissing the case. I'm not following why you think - - I mean, you're asking to modify it when - - are you suggesting to me that the arrearage was the only thing you were going to deal with and that's why the Order said there was an arrearage of Nine Thousand Six Sixty-Two, and you had no other on-going monthly payment?

MR. PEMBROKE: Excuse me, Your Honor?

MAGISTRATE: Sure.

MR. PEMBROKE: U'm - - perhaps the - - perhaps the - - perhaps - - uh - - what he's talking about is - -

MAGISTRATE: Wiser minds can help me.

MR. PEMBROKE: There was a period of time when - - u'm - - she withdrew the Department's interest in the case. And that was from May the - - uh - - May of 2023 and we were back in on August the first of 2023.

MAGISTRATE: Alright.

MR. PEMBROKE: That could be - - that could be what he's talking about.

MAGISTRATE: But the Child Support Order was still in place.

MR. PEMBROKE: Yes, Sir, it was.

MAGISTRATE: It was between them to get it paid.

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Okay.

DEFENDANT: I - - I wasn't - - I did not realize that. Because I mean I - -

MAGISTRATE: Well, it's not - - you're frustrating me, I'm sorry, let's take a moment here. Go ahead.

DEFENDANT: I thought when she turned it off it was between us, and we had an agreement that I was paying all these medical bills.

MAGISTRATE: Well, that's right, but your Child Support Order was still in place.

DEFENDANT: The - - the one child I was paying for didn't even live with her - - at all.

MAGISTRATE: Go ahead.

DEFENDANT: The one child that - - that - -

MAGISTRATE: Let me ask you this, if you're making more money now working for the State than you were making at Fourteen Dollars an hour when you were running your own business, aren't you going to be paying more child support?

DEFENDANT: Her income quadrupled also.

MAGISTRATE: What's your income, Ma'am?

PLAINTIFF: What, a week? Or bi-weekly?

MAGISTRATE: What's your gross income a week, or bi-weekly? How do you get paid?

PLAINTIFF: It's right around One Thousand, because I get paid through the - -

MAGISTRATE: What is it?

PLAINTIFF: It's about One Thousand, without overtime.

MAGISTRATE: Where do work?

PLAINTIFF: I work at Washington County Transit. I took a cut, because I went from part-time to full-time, and then now I had all the kids' expenses - -

MAGISTRATE: Do you have any paystubs?

PLAINTIFF: Because I cover health insurance on them.

MAGISTRATE: Do you have any paystubs?

PLAINTIFF: Mr. Pembroke does. U'm - - but yeah, I cover all the kids on healthcare.

MAGISTRATE: Slow down, we want to know what your income is first. Have you gathered all this information and done a guidelines worksheet?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: We're going to cut to the chase.

MR. PEMBROKE: Well we've run a number of guidelines, depending on what the factual scenario turned out to be.

MAGISTRATE: Okay.

MR. PEMBROKE: Do you wish me to present all of them?

MAGISTRATE: Sure.

MR. PEMBROKE: Okay.

MAGISTRATE: And then maybe we can talk about it with them when we know what we're looking at.

MR. PEMBROKE: Alright. And to try to keep the record straight, State's One, would be a fifty-fifty custody arrangement.

MAGISTRATE: And that would be for all three children, correct?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Okay. Thank you.

(State's Exhibit No. 1 is marked for identification.)

MAGISTRATE: And by the way, one and two are admitted.

(Defendant's Exhibit Nos. 1 & 2 are admitted into evidence.)

MR. PEMBROKE: And the second one is a shared physical, based upon the sixty-forty arrangement that he was talking about. Actually, it's a little bit different than that, but here is the rest of it.

(State's Exhibit No. 2 is marked for identification.)

MAGISTRATE: Thank you.

MR. PEMBROKE: And then there was a - - I believe that - - I believe those are the only ones based on what I've heard so far. We also ran a sole custody for

mother, but I don't think that's really - - uh - - applicable.

MAGISTRATE: Alright. Alright, so the second one is a sixty-forty with respect to all three children?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: And it's not as Mr. Barr suggests, where Alysa - - Alysalyn, excuse me, is living with him - -

MR. PEMBROKE: Full-time.

MAGISTRATE: Full-time.

MR. PEMBROKE: No, it's not.

MAGISTRATE: Okay. Alright.

DEFENDANT: So - -

MAGISTRATE: Alright, u'm - - back to you, Ms. Kinna. Do you have a - - you said you have paystubs?

PLAINTIFF: Yes.

MAGISTRATE: Do they match this guideline worksheet that it's to your belief that your gross amount monthly is Three Thousand Nine Hundred Eight? If you gave them paystubs, that's what they calculated.

PLAINTIFF: Yes. Well, because I had - - you know.

MR. PEMBROKE: Your Honor, I can submit those if you wish?

PLAINTIFF: Yeah, I take out - - they take out, you know, so much for my insurance. But, yes, you are probably correct.

MAGISTRATE: The starting point is gross income, we don't do anything with it until we know what the gross is.

PLAINTIFF: Yes, gross.

MAGISTRATE: Let's go ahead and have those admitted too, just for the record.

(State's Exhibit No. 3 is marked for identification.)

CLERK: Do you want these all admitted?

MAGISTRATE: One, two and three are admitted as State's exhibits.

(State's Exhibit Nos. 1-3 are admitted into evidence.)

MAGISTRATE: Alright, u'm - - okay, and Ms. Kinna, you say you're paying the - - u'm - - health insurance?

PLAINTIFF: Yes, and I also submitted the card - - like copies of the cards to prove that all three kids, because I was tired of going to the hospital because my daughter has epilepsy, and - - there was no health insurance - - before.

MAGISTRATE: Well, your health insurance - - pardon me?

PLAINTIFF: Mr. Barr didn't keep health insurance on them, so - -

MAGISTRATE: The question to you is, you're paying

health insurance premiums for the children, correct?

PLAINTIFF: Yes, Sir.

MAGISTRATE: And it's shown on the guidelines worksheet as One Hundred Sixteen a month, okay?

PLAINTIFF: Mm hmm.

MAGISTRATE: So, you are getting credit for that.

PLAINTIFF: Okay.

MAGISTRATE: Alright.

DEFENDANT: Your Honor?

MAGISTRATE: Alright, so your income has increased?

PLAINTIFF: That is my income, its Twenty Dollar and - -

MAGISTRATE: But has it increased since the last Child Support Order?

PLAINTIFF: Yes, Sir, because I went from part-time to full-time.

MAGISTRATE: Okay.

PLAINTIFF: And then I went from - - what I was making was a lot more part-time, but it dropped down to Twenty Dollars an hour being full-time. But, I have the benefits.

MAGISTRATE: But it came with some other benefits.

PLAINTIFF: But I have the benefits of having vacation and insurance and everything else now.

MAGISTRATE: Sure, that makes sense. Okay. Alright,

so tell me about the children and where they live?

PLAINTIFF: Okay, our arrangement, I've asked Mr. Barr to change it. Like, - -

MAGISTRATE: Do you agree that you have a Court Order that says fifty-fifty for all three children?

PLAINTIFF: Fifty-fifty. But Alysalyn was seeing counselors from 2019, since the day we got divorced until - - just up until November of last year, she was living with me full-time, completely. Well, then she did go to the hospital. I did not leave her there. Because she wasn't going to go home with me anyway, I left there at midnight and my husband can verify that I got home super late, and Mr. Barr took her home because that's where she wanted to go. So she did go with her father. She lived with her father up until we went to Court, which I have a paper that we all four, his wife, my husband, and us two, went to Court because she has a behavioral problem. She beat up his wife. We went to Court on March to file - - you know, the behavioral - -

MAGISTRATE: Of this year?

PLAINTIFF: Yes.

MAGISTRATE: Okay.

PLAINTIFF: On March 21st, to get her help, because that's pretty much the reason that she went to the hospital in the first place. Because she ripped the

probes off her head, which I have video of.

MAGISTRATE: Where is she living today?

PLAINTIFF: She lives with her grandmother, Teresa Barr. She's been living there since this - - since March.

MAGISTRATE: March of 2023?

PLAINTIFF: Yes, she doesn't even live with her father. She's not allowed to go back to Sarah's house. And she doesn't want to come live with me, because I can't get her to school every day because I live in West Virginia and they go to school in Clear Spring. So I'm constantly shuttling the kids every other week to Clear Spring, which is an additional cost in gas. You know, I pay - - you know, I have a lady that helps me out.

MAGISTRATE: So are the other two children - - where are the other two children living? What's the arrangement with them?

PLAINTIFF: Monday - - the agreement is Monday night after school, or in the summer, four p.m. Okay? From Monday evening - -

MAGISTRATE: Well, is it fifty-fifty or are they with you half the time?

PLAINTIFF: It's fifty-fifty.

MAGISTRATE: Okay.

PLAINTIFF: From Monday to Monday. But, since school

has started, I had a few days that since I go to work super early, I have to be at work at six-twenty until three o'clock basically, two fifty-fifty. So, I can't get them to school because they start school at seven-twenty and eight-thirty. Okay? So, I have a mother that lives right - - right beside the school. My husband drops them off at six-thirty in the morning, because we both have to be at work early, so that I can get to work on-time. She takes them in at six-thirty. They get to school on-time. But since we don't go Monday to Monday - - or Monday through Friday, it's hard every month - - every week I have to - - u'm - - send a text message to her saying, okay you're going to have the kids this week on Tuesday and Friday. Which she doesn't charge me to have the kids and get them to school for me.

MAGISTRATE: So they're - - under the Court Order - -

PLAINTIFF: And I give them back to him - -

MAGISTRATE: Wait a minute. Under the Court Order they're in your custody week to week.

PLAINTIFF: Correct, but here's the catch.

MAGISTRATE: But there are times that they stay with the caregiver?

PLAINTIFF: No, they don't stay at the caregiver. I get them there in the morning. All she does is get them to school for me, and I get them after school.

MAGISTRATE: Okay.

PLAINTIFF: So here's the catch. Since the school started at the end of August, instead of having her - - you know, go from Tuesday until Monday morning, which is after the weekend - - because it makes no sense with the way our agreement is, I let Mr. Barr - - I take them back to his house between seven - - or, eight and eight-thirty on Sunday evening, which has just been six nights since school has started. This is where he's saying he has extra nights, just because I don't want to ask this other mother to have my kids on a Monday and then not the rest of the week. It makes no sense, because of our agreement, the way it works. Do you see what I mean?

MAGISTRATE: Your agreement with Mr. Barr?

PLAINTIFF: Yes, because see we used to have a Wednesday night dinner, but he - - he opted to take that out of our agreement, and I was fine with that.

MAGISTRATE: I'm tempted to say, go get your custody arrangement figured out and then we'll decide this issue.

PLAINTIFF: Right, I was fine with that. But, I just didn't want to ask another mother. You know, to say hey you're going to have them Tuesday through Friday this week, and then Monday morning and then that's it. So, it's not Monday through Friday, like a normal week.

MAGISTRATE: So what he's suggesting is sixty-forty,

meaning they are with him sixty percent of the time and with you forty?

PLAINTIFF: They've been with me fifty-fifty.

MAGISTRATE: No, but what - -

PLAINTIFF: And when I have them, I have them.

MAGISTRATE: When he says sixty-forty, does that mean he believes that he has them sixty percent of the - -

PLAINTIFF: Well, I guess he's counting those six extra nights - - which, they are already fed. All they have to do is go home, go to sleep, and get up for school the next day.

MAGISTRATE: Alright.

PLAINTIFF: Because the bus picks them up at his driveway.

MAGISTRATE: Okay.

PLAINTIFF: And if that's a problem, I'll just keep them, and then we'll figure it out. I'll have to, you know, get Char to take them on Monday. Because I - - when I have my kids, I have my kids. When he has his kids, they're with his mom.

MR. PEMBROKE: Objection.

MAGISTRATE: It's sustained.

PLAINTIFF: So like, - -

MAGISTRATE: We're not going to fight your on-going custody battle in this child support issue.

PLAINTIFF: I understand that. But, I'm just saying it's - - when I - - when he goes on vacations, he won't even let me have them first.

MAGISTRATE: Ma'am. Mr. Barr, your turn.

DEFENDANT: Your Honor, the only reason I - - the only way I came up with that night of - - on the paper that I wrote down, two hundred nights dad, one hundred sixty-five mom. I took three hundred sixty-five divided by two for fifty-fifty, which is - - doesn't come out even, but it comes out to one eighty-three and one eighty-two. So, half - - there's fifty-two weeks in a year, and I divided that in half to twenty-six weeks, if I did my math correct. Twenty-six weeks, so I then subtracted six for the six weeks of summer, and went to twenty. That extra Sunday night, I added those to get twenty and subtracted from hers. That's all I - -

PLAINTIFF: Twenty nights?

DEFENDANT: That's all I did.

PLAINTIFF: Its six days, or six Sundays.

MAGISTRATE: Well, I've got two child support recommendations, one is for Three Hundred Six Dollars a month and one is for Twelve Hundred Fifty-Two a month.

DEFENDANT: I - - I'll take the Three Hundred - -

MAGISTRATE: What's your pleasure?

DEFENDANT: I'll take the Three Hundred and - - and

enjoy - -

MAGISTRATE: You'll take Three Hundred Six, I guess you would.

DEFENDANT: And enjoy your day. I'm - - I'm - - Your Honor, I'm really tired of arguing over this. I do everything - - absolutely I would bend over backwards for my kids.

MAGISTRATE: Alright, so the July 21st, 2022 Order was for Seven Hundred - - uh - - Eighty-Two Dollars a month based on the then Custody Order, I assume. I'm going to deny your Motion, that's the Court Order. You two have somewhat of a difficult mess in determining where they are and when they are and one of them is not even in either of your care right now. So, the Motion is denied. There certainly is some change in income, but sorting it out under this arrangement is just almost impossible. And it's your burden to show the material change in circumstance, and I'm not going to follow anything other than the Court Order at this point. If you want to get that straightened out with each other, there may be another day. What's the arrearage?

MR. PEMBROKE: Twelve Thousand Seven Hundred Ninety Dollars.

MAGISTRATE: Twelve Thousand Seven-Ninety?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Is there a current payment on the - - on the - - u'm - -

MR. PEMBROKE: Twenty-five Dollars.

MAGISTRATE: Well, I don't have to mess with that, because the Motion is denied, my mistake. Alright, we'll give you a copy of that, and you are free to go. And then you have one more for a Judge?

MR. PEMBROKE: Yes, Your Honor.

MAGISTRATE: After one-thirty or something?

MR. PEMBROKE: I'm not sure.

MAGISTRATE: Okay. Alright, thank you all.

MR. PEMBROKE: Thank you, Your Honor.

PROCEEDINGS CONCLUDED AT 12:25 P.M.

√ **Digitally signed by Sandra L. Faith**

DIGITALLY SIGNED CERTIFICATE

I HEREBY CERTIFY that I reported verbatim by electronic device the proceedings of: **State of Maryland/Julie Barr Kinna vs. David Barr; Case No.: C-21-FM-21-496**, in the Circuit Court for Washington County, Maryland, on November 17, 2023, before the Family Law Magistrate G. Clair Baker, Jr.

I FURTHER CERTIFY that the proceedings were transcribed by me to the best of my ability in a complete and accurate manner, and Page Numbers 1 through 27 constitute the official transcript of the proceedings.

IN WITNESS WHEREOF, I have affixed my signature this 4th day of January, 2024.

Sandra L. Faith
Court Reporter/Transcriber

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

STATE OF MARYLAND	*	
JULIE BARR KINNA	*	
Plaintiffs	*	
VS.	*	**CASE NO. C-21-FM-21-496**
DAVID BARR	*	
Defendant	*	

TRANSCRIPT OF PROCEEDINGS

(MOTION TO MODIFY (DECREASE) CHILD SUPPORT)

HELD: November 17, 2023 at 11:59 a.m.

BEFORE:

FAMILY LAW MAGISTRATE G. CLAIR BAKER, JR.

APPEARANCES:

Counsel for the Department:

R. DAVID PEMBROKE, Esquire

Plaintiff, Julie Barr Kinna - appears pro se

Defendant, David Barr - appears pro se

TRANSCRIBED FROM ELECTRONIC RECORDING BY:
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Entered: Clerk, Circuit Court for
Washington County, MD
January 10, 2024

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P R O C E E D I N G S

MR. PEMBROKE: I'd call the matter of Julie Barr Kinna and David Barr, FM-21-496, the matter is here for a decrease.

MAGISTRATE: Would you both remain standing please and raise your right hands?

(The Plaintiff, Julie Barr Kinna, and the Defendant, David Barr, were both duly sworn in by the Clerk.)

MAGISTRATE: Alright, Mr. Barr, your name and address please, Sir?

DEFENDANT: David Barr, 12729 Pectonville Road, Big Pool, Maryland.

MAGISTRATE: And is it Kinna?

PLAINTIFF: Julie Kinna.

MAGISTRATE: Alright, Ms. Kinna, your name and address, please?

PLAINTIFF: Do you want full name or just Julie Kinna?

MAGISTRATE: Your name and address, please.

PLAINTIFF: Julie Marie Barr Kinna, 28 Stephanie's Place, and that's Falling Waters, West Virginia.

MAGISTRATE: Alright, thank you. You can be seated. Did I swear them in?

CLERK: Yes.

MAGISTRATE: Alright, short-term memory loss.

Alright, Mr. Barr, this is your - - u'm - - Motion, so what do you want to tell us, please?

DEFENDANT: Good Morning, Your Honor. I brought this Motion between - - before the Court today for a decrease - - u'm - - based off of numerous things. U'm - - the overnights, the incomes, medical bills, and - - and so on. U'm - - the original Order had our children - - one child, one hundred percent at her mothers.

MAGISTRATE: Do you have a current Court Order of - - uh - - custody?

DEFENDANT: Uh - - it's still the same, it was fifty-fifty, and but there's nothing - - nothing has changed.

MAGISTRATE: Alright, you are talking about your three children?

DEFENDANT: Yes, Sir.

MAGISTRATE: Brantley, Gabriella, and Alysalyn?

DEFENDANT: Alysalyn.

MAGISTRATE: Alright, so they are the same three children we are talking about, and it's what? A shared physical custody arrangement by Court Order?

DEFENDANT: Yes.

MAGISTRATE: Alright, so what's changed about overnights?

DEFENDANT: U'm - - when the Court Order was made, Alysalyn was staying with her mother one hundred percent

of the time.

MAGISTRATE: Well then, that wasn't shared physical custody of the three children.

DEFENDANT: It - - it was by the child's choice. We never changed the actual Court Order for custody. Because I was told in the Court - - I mean, the Order is still fifty-fifty, but the last time we were in Court we were told that it doesn't matter what the Court Order says and it goes off of what is actually - - where the kids are actually staying physically.

MAGISTRATE: Not if there's a Court Order.

DEFENDANT: I've been paying for the last year and a half as if she had been living fulltime with her and - - and the Court Order says fifty-fifty though.

MAGISTRATE: Alright, but the Court Order still says fifty-fifty, correct?

DEFENDANT: Yes.

MAGISTRATE: Okay. What else?

DEFENDANT: U'm - - he - - u'm - - as of November 21st of last year, uh - - Alysa had been staying with her mother fulltime. U'm - - her mother actually had her ambulanced to Berkeley County Hospital and left her there. I went there and picked her up. U'm - - and she's been - - and I took her home with me. U'm - - there's been some behavioral - - uh - - mental conditions

that is being dealt with. U'm - - the other two children have not been fifty-fifty, it's been more of a sixty-forty. U'm - - as far as last - - the months of last year in April - - or u'm - - April, May, and - -

MAGISTRATE: How much more do we have with this, Sir?

DEFENDANT: I'm just going through - -

MAGISTRATE: I mean, I know you - - I'm not trying to cut you off. I just want to know how much time and evidence you are going to present.

DEFENDANT: I mean, just the - -

MAGISTRATE: You talk about income. Do you have a financial statement or - -

DEFENDANT: I supplied - - uh - - paystubs. Because I know both of our incomes have changed.

MAGISTRATE: Alright. Alright, what other cases do you have, Mr. Pembroke? One other? One or two?

MR. PEMBROKE: Uh - - I believe this is the last for you. I have a case to recall for Judge Wright.

MAGISTRATE: Okay, alright. Alright, u'm - - okay, Mr. Barr, tell me about the income.

DEFENDANT: U'm - - I'm now, as of last May, working for the State of Maryland. I was self-employed before that, and I believe - - I believe she's working fulltime now as of last - - uh - - April, I believe.

MAGISTRATE: Alright, well what's your income, Sir?

DEFENDANT: It is - - my bring home - -

MAGISTRATE: No, your gross income. Do you have paystubs?

DEFENDANT: Yes, Sir.

MAGISTRATE: Do you want to hand those up, please? We'll have them marked.

(Defendant's Exhibit No. 1 is marked for identification.)

MAGISTRATE: Have you seen paystubs, Mr. Pembroke?

MR. PEMBROKE: I have, Your Honor, thank you.

MAGISTRATE: Alright. Alright, so you're working for the State of Maryland, and are you salaried or by the hour?

DEFENDANT: Uh - - I believe it's salary.

MAGISTRATE: Your gross is $2,407.09 - - u'm - - bi-weekly?

DEFENDANT: That sounds correct.

MAGISTRATE: That's what it looks like here, Sir.

DEFENDANT: Yes.

MAGISTRATE: Okay.

DEFENDANT: I usually just look at the bottom - - bottom figure number.

MAGISTRATE: Well, we all look at the bottom, but child support makes us look at the top. Alright?

DEFENDANT: I understand.

MAGISTRATE: Do you cover the children with health insurance?

DEFENDANT: At this time, I do not.

MAGISTRATE: And what were you earning before?

DEFENDANT: Uh - - the equivalent of Fourteen Dollars an hour, trying to run or start my own business. So, this is a major - -

MAGISTRATE: Oh rats - - excuse me. (Magistrate looking on computer monitor.)

DEFENDANT: I also had submitted, Your Honor, u'm - - two large medical bills that I had been paying too.

MAGISTRATE: And who - - which child incurred the medical bills?

DEFENDANT: Alysalyn and Gabriella.

MAGISTRATE: And what are the bills for?

DEFENDANT: U'm - - for Gabriella, they were for orthodontics, her braces. And Alysa, for her therapy.

MAGISTRATE: Alright, do you have copies of those?

DEFENDANT: Yes, Sir.

MAGISTRATE: Do you want to hand those up, please?

DEFENDANT: Yes, Sir.

CLERK: Do you want these marked as one exhibit?

MAGISTRATE: I'm sorry?

CLERK: Do you want them marked as one exhibit or two separate?

MAGISTRATE: One is fine.

(Defendant's Exhibit No. 2 is marked for identification.)

MAGISTRATE: Do you have those, Mr. Pembroke?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Have you seen those?

PLAINTIFF: No.

MAGISTRATE: Let me take a look at them and then we'll hand them back to her.

BAILIFF: Here you go.

MAGISTRATE: Thank you. (Magistrate reviews Defendant's Exhibit No. 2.) This service started in May of 2022, Mr. Barr? That's what it says, date of service is May 16th of 2022.

DEFENDANT: Yes.

MAGISTRATE: Is there a reason this wasn't addressed in other Child Support Orders?

DEFENDANT: I brought the paper in, and because of the legality, it was thrown out because it said that I brought the - - u'm - - the quotation and not the actual bill. So, I brought in that it has been fully paid. That I - - that I paid it. And I've - - I paid it all.

MAGISTRATE: Well, you would've had a signed Contract by April 17th of 2023 when this Court Order was modified ordering you to pay.

DEFENDANT: This original Order was done in July of - - uh - - of 2021. I tried to modify it last May, and at the - - and we went there to modify, and - - u'm - -

MAGISTRATE: Well you filed a Motion to Modify on January 19th, 2023.

DEFENDANT: Yes, Sir.

MAGISTRATE: There's a Modification Order on April 17th, 2023. But as I read it, it looks like it only modified an arrearage.

DEFENDANT: What it - - what it did was, my - - my ex-wife dropped the entire case. She dropped it. I owed - -

MAGISTRATE: I'm looking at a Court Order Sir that says you owe Nine Thousand Six Hundred Sixty-Two Dollars in arrears. I don't see any modification of the monthly amount.

DEFENDANT: That's - - that's what I'm saying, Your Honor, there wasn't - - before we could even go into the courtroom, she signed a paper to drop it, and it shelfed.

MAGISTRATE: Well, if she dropped it, why are we talking about a - - I'm not understanding you.

DEFENDANT: She dropped the Order to ask for child support.

MAGISTRATE: Then why are we here?

DEFENDANT: They turned it off. She turned it back

on undenounced to me in September, and brought everything back.

MAGISTRATE: Well there's no Court Order dismissing the case. I'm not following why you think - - I mean, you're asking to modify it when - - are you suggesting to me that the arrearage was the only thing you were going to deal with and that's why the Order said there was an arrearage of Nine Thousand Six Sixty-Two, and you had no other on-going monthly payment?

MR. PEMBROKE: Excuse me, Your Honor?

MAGISTRATE: Sure.

MR. PEMBROKE: U'm - - perhaps the - - perhaps the - - perhaps - - uh - - what he's talking about is - -

MAGISTRATE: Wiser minds can help me.

MR. PEMBROKE: There was a period of time when - - u'm - - she withdrew the Department's interest in the case. And that was from May the - - uh - - May of 2023 and we were back in on August the first of 2023.

MAGISTRATE: Alright.

MR. PEMBROKE: That could be - - that could be what he's talking about.

MAGISTRATE: But the Child Support Order was still in place.

MR. PEMBROKE: Yes, Sir, it was.

MAGISTRATE: It was between them to get it paid.

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Okay.

DEFENDANT: I - - I wasn't - - I did not realize that. Because I mean I - -

MAGISTRATE: Well, it's not - - you're frustrating me, I'm sorry, let's take a moment here. Go ahead.

DEFENDANT: I thought when she turned it off it was between us, and we had an agreement that I was paying all these medical bills.

MAGISTRATE: Well, that's right, but your Child Support Order was still in place.

DEFENDANT: The - - the one child I was paying for didn't even live with her - - at all.

MAGISTRATE: Go ahead.

DEFENDANT: The one child that - - that - -

MAGISTRATE: Let me ask you this, if you're making more money now working for the State than you were making at Fourteen Dollars an hour when you were running your own business, aren't you going to be paying more child support?

DEFENDANT: Her income quadrupled also.

MAGISTRATE: What's your income, Ma'am?

PLAINTIFF: What, a week? Or bi-weekly?

MAGISTRATE: What's your gross income a week, or bi-weekly? How do you get paid?

PLAINTIFF: It's right around One Thousand, because I get paid through the - -

MAGISTRATE: What is it?

PLAINTIFF: It's about One Thousand, without overtime.

MAGISTRATE: Where do work?

PLAINTIFF: I work at Washington County Transit. I took a cut, because I went from part-time to full-time, and then now I had all the kids' expenses - -

MAGISTRATE: Do you have any paystubs?

PLAINTIFF: Because I cover health insurance on them.

MAGISTRATE: Do you have any paystubs?

PLAINTIFF: Mr. Pembroke does. U'm - - but yeah, I cover all the kids on healthcare.

MAGISTRATE: Slow down, we want to know what your income is first. Have you gathered all this information and done a guidelines worksheet?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: We're going to cut to the chase.

MR. PEMBROKE: Well we've run a number of guidelines, depending on what the factual scenario turned out to be.

MAGISTRATE: Okay.

MR. PEMBROKE: Do you wish me to present all of them?

MAGISTRATE: Sure.

MR. PEMBROKE: Okay.

MAGISTRATE: And then maybe we can talk about it with them when we know what we're looking at.

MR. PEMBROKE: Alright. And to try to keep the record straight, State's One, would be a fifty-fifty custody arrangement.

MAGISTRATE: And that would be for all three children, correct?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Okay. Thank you.

(State's Exhibit No. 1 is marked for identification.)

MAGISTRATE: And by the way, one and two are admitted.

(Defendant's Exhibit Nos. 1 & 2 are admitted into evidence.)

MR. PEMBROKE: And the second one is a shared physical, based upon the sixty-forty arrangement that he was talking about. Actually, it's a little bit different than that, but here is the rest of it.

(State's Exhibit No. 2 is marked for identification.)

MAGISTRATE: Thank you.

MR. PEMBROKE: And then there was a - - I believe that - - I believe those are the only ones based on what I've heard so far. We also ran a sole custody for

mother, but I don't think that's really - - uh - - applicable.

MAGISTRATE: Alright. Alright, so the second one is a sixty-forty with respect to all three children?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: And it's not as Mr. Barr suggests, where Alysa - - Alysalyn, excuse me, is living with him - -

MR. PEMBROKE: Full-time.

MAGISTRATE: Full-time.

MR. PEMBROKE: No, it's not.

MAGISTRATE: Okay. Alright.

DEFENDANT: So - -

MAGISTRATE: Alright, u'm - - back to you, Ms. Kinna. Do you have a - - you said you have paystubs?

PLAINTIFF: Yes.

MAGISTRATE: Do they match this guideline worksheet that it's to your belief that your gross amount monthly is Three Thousand Nine Hundred Eight? If you gave them paystubs, that's what they calculated.

PLAINTIFF: Yes. Well, because I had - - you know.

MR. PEMBROKE: Your Honor, I can submit those if you wish?

PLAINTIFF: Yeah, I take out - - they take out, you know, so much for my insurance. But, yes, you are probably correct.

MAGISTRATE: The starting point is gross income, we don't do anything with it until we know what the gross is.

PLAINTIFF: Yes, gross.

MAGISTRATE: Let's go ahead and have those admitted too, just for the record.

(State's Exhibit No. 3 is marked for identification.)

CLERK: Do you want these all admitted?

MAGISTRATE: One, two and three are admitted as State's exhibits.

(State's Exhibit Nos. 1-3 are admitted into evidence.)

MAGISTRATE: Alright, u'm - - okay, and Ms. Kinna, you say you're paying the - - u'm - - health insurance?

PLAINTIFF: Yes, and I also submitted the card - - like copies of the cards to prove that all three kids, because I was tired of going to the hospital because my daughter has epilepsy, and - - there was no health insurance - - before.

MAGISTRATE: Well, your health insurance - - pardon me?

PLAINTIFF: Mr. Barr didn't keep health insurance on them, so - -

MAGISTRATE: The question to you is, you're paying

health insurance premiums for the children, correct?

PLAINTIFF: Yes, Sir.

MAGISTRATE: And it's shown on the guidelines worksheet as One Hundred Sixteen a month, okay?

PLAINTIFF: Mm hmm.

MAGISTRATE: So, you are getting credit for that.

PLAINTIFF: Okay.

MAGISTRATE: Alright.

DEFENDANT: Your Honor?

MAGISTRATE: Alright, so your income has increased?

PLAINTIFF: That is my income, its Twenty Dollar and - -

MAGISTRATE: But has it increased since the last Child Support Order?

PLAINTIFF: Yes, Sir, because I went from part-time to full-time.

MAGISTRATE: Okay.

PLAINTIFF: And then I went from - - what I was making was a lot more part-time, but it dropped down to Twenty Dollars an hour being full-time. But, I have the benefits.

MAGISTRATE: But it came with some other benefits.

PLAINTIFF: But I have the benefits of having vacation and insurance and everything else now.

MAGISTRATE: Sure, that makes sense. Okay. Alright,

so tell me about the children and where they live?

PLAINTIFF: Okay, our arrangement, I've asked Mr. Barr to change it. Like, - -

MAGISTRATE: Do you agree that you have a Court Order that says fifty-fifty for all three children?

PLAINTIFF: Fifty-fifty. But Alysalyn was seeing counselors from 2019, since the day we got divorced until - - just up until November of last year, she was living with me full-time, completely. Well, then she did go to the hospital. I did not leave her there. Because she wasn't going to go home with me anyway, I left there at midnight and my husband can verify that I got home super late, and Mr. Barr took her home because that's where she wanted to go. So she did go with her father. She lived with her father up until we went to Court, which I have a paper that we all four, his wife, my husband, and us two, went to Court because she has a behavioral problem. She beat up his wife. We went to Court on March to file - - you know, the behavioral - -

MAGISTRATE: Of this year?

PLAINTIFF: Yes.

MAGISTRATE: Okay.

PLAINTIFF: On March 21st, to get her help, because that's pretty much the reason that she went to the hospital in the first place. Because she ripped the

probes off her head, which I have video of.

MAGISTRATE: Where is she living today?

PLAINTIFF: She lives with her grandmother, Teresa Barr. She's been living there since this - - since March.

MAGISTRATE: March of 2023?

PLAINTIFF: Yes, she doesn't even live with her father. She's not allowed to go back to Sarah's house. And she doesn't want to come live with me, because I can't get her to school every day because I live in West Virginia and they go to school in Clear Spring. So I'm constantly shuttling the kids every other week to Clear Spring, which is an additional cost in gas. You know, I pay - - you know, I have a lady that helps me out.

MAGISTRATE: So are the other two children - - where are the other two children living? What's the arrangement with them?

PLAINTIFF: Monday - - the agreement is Monday night after school, or in the summer, four p.m. Okay? From Monday evening - -

MAGISTRATE: Well, is it fifty-fifty or are they with you half the time?

PLAINTIFF: It's fifty-fifty.

MAGISTRATE: Okay.

PLAINTIFF: From Monday to Monday. But, since school

has started, I had a few days that since I go to work super early, I have to be at work at six-twenty until three o'clock basically, two fifty-fifty. So, I can't get them to school because they start school at seven-twenty and eight-thirty. Okay? So, I have a mother that lives right - - right beside the school. My husband drops them off at six-thirty in the morning, because we both have to be at work early, so that I can get to work on-time. She takes them in at six-thirty. They get to school on-time. But since we don't go Monday to Monday - - or Monday through Friday, it's hard every month - - every week I have to - - u'm - - send a text message to her saying, okay you're going to have the kids this week on Tuesday and Friday. Which she doesn't charge me to have the kids and get them to school for me.

MAGISTRATE: So they're - - under the Court Order - -

PLAINTIFF: And I give them back to him - -

MAGISTRATE: Wait a minute. Under the Court Order they're in your custody week to week.

PLAINTIFF: Correct, but here's the catch.

MAGISTRATE: But there are times that they stay with the caregiver?

PLAINTIFF: No, they don't stay at the caregiver. I get them there in the morning. All she does is get them to school for me, and I get them after school.

MAGISTRATE: Okay.

PLAINTIFF: So here's the catch. Since the school started at the end of August, instead of having her - - you know, go from Tuesday until Monday morning, which is after the weekend - - because it makes no sense with the way our agreement is, I let Mr. Barr - - I take them back to his house between seven - - or, eight and eight-thirty on Sunday evening, which has just been six nights since school has started. This is where he's saying he has extra nights, just because I don't want to ask this other mother to have my kids on a Monday and then not the rest of the week. It makes no sense, because of our agreement, the way it works. Do you see what I mean?

MAGISTRATE: Your agreement with Mr. Barr?

PLAINTIFF: Yes, because see we used to have a Wednesday night dinner, but he - - he opted to take that out of our agreement, and I was fine with that.

MAGISTRATE: I'm tempted to say, go get your custody arrangement figured out and then we'll decide this issue.

PLAINTIFF: Right, I was fine with that. But, I just didn't want to ask another mother. You know, to say hey you're going to have them Tuesday through Friday this week, and then Monday morning and then that's it. So, it's not Monday through Friday, like a normal week.

MAGISTRATE: So what he's suggesting is sixty-forty,

meaning they are with him sixty percent of the time and with you forty?

PLAINTIFF: They've been with me fifty-fifty.

MAGISTRATE: No, but what - -

PLAINTIFF: And when I have them, I have them.

MAGISTRATE: When he says sixty-forty, does that mean he believes that he has them sixty percent of the - -

PLAINTIFF: Well, I guess he's counting those six extra nights - - which, they are already fed. All they have to do is go home, go to sleep, and get up for school the next day.

MAGISTRATE: Alright.

PLAINTIFF: Because the bus picks them up at his driveway.

MAGISTRATE: Okay.

PLAINTIFF: And if that's a problem, I'll just keep them, and then we'll figure it out. I'll have to, you know, get Char to take them on Monday. Because I - - when I have my kids, I have my kids. When he has his kids, they're with his mom.

MR. PEMBROKE: Objection.

MAGISTRATE: It's sustained.

PLAINTIFF: So like, - -

MAGISTRATE: We're not going to fight your on-going custody battle in this child support issue.

PLAINTIFF: I understand that. But, I'm just saying it's - - when I - - when he goes on vacations, he won't even let me have them first.

MAGISTRATE: Ma'am. Mr. Barr, your turn.

DEFENDANT: Your Honor, the only reason I - - the only way I came up with that night of - - on the paper that I wrote down, two hundred nights dad, one hundred sixty-five mom. I took three hundred sixty-five divided by two for fifty-fifty, which is - - doesn't come out even, but it comes out to one eighty-three and one eighty-two. So, half - - there's fifty-two weeks in a year, and I divided that in half to twenty-six weeks, if I did my math correct. Twenty-six weeks, so I then subtracted six for the six weeks of summer, and went to twenty. That extra Sunday night, I added those to get twenty and subtracted from hers. That's all I - -

PLAINTIFF: Twenty nights?

DEFENDANT: That's all I did.

PLAINTIFF: Its six days, or six Sundays.

MAGISTRATE: Well, I've got two child support recommendations, one is for Three Hundred Six Dollars a month and one is for Twelve Hundred Fifty-Two a month.

DEFENDANT: I - - I'll take the Three Hundred - -

MAGISTRATE: What's your pleasure?

DEFENDANT: I'll take the Three Hundred and - - and

enjoy - -

MAGISTRATE: You'll take Three Hundred Six, I guess you would.

DEFENDANT: And enjoy your day. I'm - - I'm - - Your Honor, I'm really tired of arguing over this. I do everything - - absolutely I would bend over backwards for my kids.

MAGISTRATE: Alright, so the July 21st, 2022 Order was for Seven Hundred - - uh - - Eighty-Two Dollars a month based on the then Custody Order, I assume. I'm going to deny your Motion, that's the Court Order. You two have somewhat of a difficult mess in determining where they are and when they are and one of them is not even in either of your care right now. So, the Motion is denied. There certainly is some change in income, but sorting it out under this arrangement is just almost impossible. And it's your burden to show the material change in circumstance, and I'm not going to follow anything other than the Court Order at this point. If you want to get that straightened out with each other, there may be another day. What's the arrearage?

MR. PEMBROKE: Twelve Thousand Seven Hundred Ninety Dollars.

MAGISTRATE: Twelve Thousand Seven-Ninety?

MR. PEMBROKE: Yes, Sir.

MAGISTRATE: Is there a current payment on the - - on the - - u'm - -

MR. PEMBROKE: Twenty-five Dollars.

MAGISTRATE: Well, I don't have to mess with that, because the Motion is denied, my mistake. Alright, we'll give you a copy of that, and you are free to go. And then you have one more for a Judge?

MR. PEMBROKE: Yes, Your Honor.

MAGISTRATE: After one-thirty or something?

MR. PEMBROKE: I'm not sure.

MAGISTRATE: Okay. Alright, thank you all.

MR. PEMBROKE: Thank you, Your Honor.

PROCEEDINGS CONCLUDED AT 12:25 P.M.

√ **Digitally signed by Sandra L. Faith**

DIGITALLY SIGNED CERTIFICATE

I HEREBY CERTIFY that I reported verbatim by electronic device the proceedings of: **State of Maryland/Julie Barr Kinna vs. David Barr; Case No.: C-21-FM-21-496,** in the Circuit Court for Washington County, Maryland, on November 17, 2023, before the Family Law Magistrate G. Clair Baker, Jr.

I FURTHER CERTIFY that the proceedings were transcribed by me to the best of my ability in a complete and accurate manner, and Page Numbers 1 through 27 constitute the official transcript of the proceedings.

IN WITNESS WHEREOF, I have affixed my signature this 4th day of January, 2024.

Sandra L. Faith

Sandra L. Faith
Court Reporter/Transcriber

E-FILED; Washington Circuit Court
Docket: 1/25/2024 2:44 PM; Submission: 1/25/2024 2:44 PM
Envelope: 15203815

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JULIE BARR-FLOTZ	*	
Plaintiff	*	
	*	
V.	*	Case No. C-21-FM-21-000496
	*	
DAVID BARR	*	
Defendant	*	
	*	

DEFENDANT'S DAVID BARR'S SUPPLMENTAL FILING IN SUPPORT OF HIS EXCEPTIONS TO MAGISTRATE'S RECOMMENDATIONS

Pursuant to Rule 9-208, Defendant David Bar, through undersigned counsel, submits this supplemental filing in support of his "Exceptions" to the recommendations made by Magistrate C. Claire Baker, Jr. at the November 17, 2023 modification hearing. The purpose of this supplemental filing is to identify the specific parts of the hearing record that support the arguments made by Defendant in his Exceptions.

1. On or about July 21, 2022, this Court entered a "Child Support Order" obligating Defendant David Barr to pay $782 per month in child support to Plaintiff Julie Barr-Foltz.

2. Defendant filed a petition to reduce child support on or about September 14, 2023.

3. This Court held a hearing on the petition to decrease child support on November 17, 2023. At the hearing, Magistrate C. Claire Baker, Jr. recommended that this Court enter an order denying the motion to reduce child support. A copy of that transcript was filed in this case on January 10, 2024.

4. On November 27, 2024, Defendant filed Exceptions to the Magistrate's Recommendations. Defendant argued that the Magistrate's decision was erroneous based upon the undisputed evidence of a "material change in circumstances". Specifically, Defendant cited to the Plaintiff's significant change in income since the original Child Support Order was docketed on July

1, 2022.

5. The transcript of the November 17, 2023 hearing confirms the merit of Defendant's argument. Although, Defendant admitted that his income increased, Tr. at 8:1 to 10:1, 17:14 to 18:7, Plaintiff admitted that her income had also "increased since the last child support order". Tr. at 13:16 to 14:14; Tr. at 18:13-16 (testifying that it increased because she "went from part-time to full-time"); see also Ex. A hereto (Plaintiff's pay records). Indeed, the State's Attorney, R. David Pembroke, proffered a child support worksheet establishing that Defendant's child support obligation should be reduced to $306 per month based upon the current income of the Plaintiff and Defendant.[1] Tr. at 14:20 to 17:8; Ex. B (calculating child support based upon shared physical custody according to a 50-50 split in time). This worksheet was based upon the custodial arrangement set forth in the Custody Order, i.e. an even split in parenting time of 50% each. Tr. at 20:15-25; 21:18-20 (Plaintiff admitting that the parties' parenting time alternated "week to week").

6. Despite this undisputed evidence that Plaintiff's income had quadrupled, it appears that Magistrate Baker decided to deny a modification of child support because he rejected evidence proffered by Defendant on a different subject. In addition to proffering evidence of a change in income, Defendant also argued that he was entitled to a reduction in child support because his access to the children had increased (and he had incurred extraordinary medical expenses). Tr. at 5:3-8. Magistrate Baker became frustrated with this additional testimony at several points.

7. For example, when Defendant first started testifying about the change in overnight access to the children, Magistrate Baker quickly interrupted him and asked him to testify about the change in income instead. Tr. at 6:19 to 7:12. Although he did not explicitly state that he was

[1] Mr. Pembroke also prepared a child support worksheet based upon primary custody for Plaintiff. Tr. at 15:23 to 16:2. However, it does not appear that he presented it because "I don't think that's really . . . applicable". Id.

frustrated, it is clear from his later statements that he wanted to use the apportionment of overnights established by the Custody Order (50% each) when calculating child support rather than any informal deviations from that schedule. Id.

8. Subsequently, Defendant tried to present evidence of extraordinary medical expenses incurred by him. Tr. at 10:2-18. Mr. Barr's response to some of the Magistrate's questions on the subject were admittedly confusing. Tr. at 11:10-12 & 11:25 to 12:2. After the State's Attorney, David Pembroke, attempted to resolve this confusion, Tr. at 12:10-21, Magistrate Baker explicitly stated that Mr. Barr was "frustrating" him. Tr. at 13:5.

9. Later, Magistrate Baker asked Plaintiff to testify about the change in custodial access. In her testimony, Plaintiff admitted that the children were staying with Defendant every other Sunday nights even though the custody order awarded custody to Plaintiff on those nights. Tr. at 20:25 to 22:25 (Plaintiff testifying the parties alternated custody from Monday to Monday pursuant to the Court Order). Even though Plaintiff admitted that the number of overnights had changed, Magistrate Baker stated that he was "tempted to say, go get your custody arrangement figured out and then we'll decide this issue." Tr. at 22:18-19.

10. In the end, that is exactly what Magistrate Baker did, finding as follows:

> Alright, so the July 21st, 2022 Order was for Seven Hundred Eighty-Two Dollars a month based on the then Custody Order,, I assume. I'm going to deny your Motion, that's the Court Order. You two have a somewhat of a difficult mess in determining where they are and when they are and one of them is not even in either of your care right now. So the, the Motion is denied. There certainly is some change in income but sorting it out under this arrangement is just almost impossible. And it's your burden to show the material change in circumstance, and I'm not going to follow anything other than the Court Order at this point. IF you want to get that straightened out with each other, there may be another day.

Tr. at 25 (emphasis added).

11. Magistrate Baker's decision was partially correct. When calculating child support, Magistrate Baker was obligated to determine the number of annual overnight visits for each parent. Md. Code Ann., Fam. Law § 12-204(m). When making that determination, Magistrate Baker had the discretion to rely solely on the amount of visitation awarded in the existing custody order. Md. Code Ann., Fam. Law § 12-201(o). Thus, even though both parties testified that the number of actual overnight visits by each parent did not exactly reflect the number of overnight visits in the custody order, Magistrate Baker was still authorized to rely upon the terms of that Custody Order when calculating child support.

12. Where Magistrate Baker erred, however, is with his decision to deny Defendant's petition to reduce child support altogether. Once he decided that he was going to rely upon the 50-50 schedule set forth in the existing Child Custody Order, he still should have utilized the parties' current income to evaluate whether there was a material change in circumstances. Indeed, it is undisputed that when the parties' current income is inputted into the child support worksheet for shared custody, Defendant's child support obligation should be reduced to $306 per month. It was a mistake for Magistrate Baker to completely ignore the evidence of Plaintiff's change in income simply because he rejected the testimony about the change in the number of overnight visits. Even without a change in the number of overnights, Defendant was entitled to a 60% reduction in his child support obligation based upon the change in income; this was clearly substantial and warranted a modification in its own right. Perhaps, if Defendant had proven by a preponderance of the evidence that the custody schedule had changed, he would have been entitled to an even further reduction. But just because he failed to prove that part of his case does not mean that the Court should have rejected his claim for modification based upon a change of income.

WHEREFORE, the Court should reduce the Plaintiff's child support obligation to $306 per month, and/or grant such further relief as justice requires.

Respectfully submitted,

/s/ Victor E. Cretella III__
Victor E. Cretella III, Esq.
No. 9612170207
The Law Office of Victor E. Cretella
168 W. Main Street, #712
New Market, MD 21774
301-228-2705
victor@vcretellalaw.com
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing on January 25, 2024 by MDEC to David Roland Pembroke, 122 N. Potomac Street, Hagerstown, MD 21740 by MDEC and to Allison Fortmann Bailey, Esquire, 134 West Washington Street, Suite 2A, Hagerstown, Maryland 21740

/s/ Victor E. Cretella III__

E-FILED; Washington Circuit Court
Docket: 3/12/2024 8:31 AM; Submission: 3/12/2024 8:31 AM
Envelope: 15714410

IN THE DISTRICT COURT FOR WASHINGTON COUNTY, MARYLAND

JULIE BARR-FLOTZ Plaintiff	*	
V.	*	Case No. C-21-FM-21-- 496
DAVID BARR Defendant	*	

ORDER RESOLVING EXCEPTIONS AND MODIFYING CHILD SUPPORT

This matter having been resolved by the parties at the hearing on Defendant David Barr's exceptions to the Magistrate's denial of his petition to modify child support, which hearing was conducted on February 9, 2024, it is hereupon this 12th of March, 2024 ·, by the Circuit Court for Frederick County, Maryland,

ORDERED, that Defendant's child support obligations, as set forth in prior Orders, for his "Children" (Alyssalyn 9-13-08; Gabriella 7-6-10; and Brantlee 3-10-13) are modified consistent with this Order; and it is further

ORDERED, that the amount of child support arrearages owed by Defendant David Barr to Julie Kinna as of February, 2024 is $12,299; and it is further

ORDERED, that starting March 1, 2024, Defendant David Barr shall pay unto the Plaintiff Julie Kinna $376 per month in child support plus $25 per month for arrearages (for a total of $401 per month) on the first of each month; and it is further

ORDERED, that the parties have reserved without prejudice any issues relating to the extraordinary medical expenses for the children pursuant to Md. Code Ann., Fam. Law §12-204(h), including the existence and/or apportionment of such expenses.

ORDERED, that this Order constitutes an immediate and continuing withholding order on all earnings due the Defendant, on and after the date of this order, subject to the conditions set

Entered: Clerk, Circuit Court for
Washington County, MD
March 12, 2024

forth in Maryland Annotated Code, Family Law section 10 - 120, et seq. (2012); and it is further

ORDERED, that pursuant to Md. Code Ann., Fam. Law § § 12-101 & 10-121, Defendant shall notify this Honorable Court within Ten (10) days of any change of address or employment, so long as his child support obligation is in effect, and failure to comply will subject Defendant to a penalty not to exceed Two Hundred Fifty Dollars ($250.00) and may result in Defendant not receiving proper notice of any such applicable proceedings. It is further ORDERED exceptions dismissed.

Circuit Court Judge

03/12/2024 10:06:42 AM Daniel P. Dwyer

E-FILED; Washington Circuit Court
Docket: 5/22/2024 8:57 AM; Submission: 5/22/2024 8:57 AM
Envelope: 16546109

STATE OF MARYLAND
JULIE MARIE-BARR KINNA
PLAINTIFF
VS.

DAVID L BARR
12735 PECKTONVILLE RD
BIG POOL MD 21711
DEFENDANT

21-FM-21-000496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

PETITION FOR CONTEMPT OF COURT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. On 03/12/2024, an Order was passed in the above entitled case directing DAVID L BARR to pay $376.00 Month towards the support of ALYSSALYN L BARR, 09/13/2008, BRANTLEE BARR, 03/10/2013, GABRIELLA BARR, 07/06/2010, minor children born to JULIE MARIE-BARR KINNA.

2. That the order further stated that the Defendant shall pay $25.00 per month toward arrears of $12,299.00 as of 02/01/2024.

3. The said DAVID L BARR has failed to make payments in accordance with this Order, and is $13,427.00 in arrears as of 05/20/2024.

WHEREFORE, the State of Maryland respectfully requests that this Court:

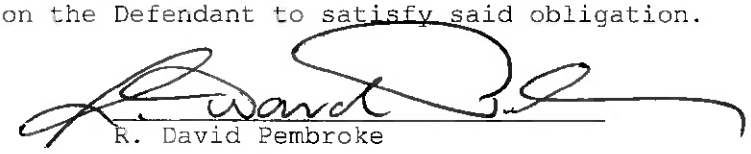
1. Find the Defendant in Contempt of the lawful Order of this Court.

2. Order the Defendant incarcerated for his willful contempt.

3. Levy a lien upon the earnings of the Defendant pursuant to the Annotated Code of Maryland, Family Law, Volume, Section 10-120, et. seq. in the amount of the child support previously awarded by this Court, together with a reasonable amount to be credited towards any arrearage.

4. Issue a Health Insurance Withholding Order to the employer of the Defendant pursuant to the annotated Code of Maryland, Family Law Volume, section 12-101, et. seq.

5. Impose sanctions on the Defendant to satisfy said obligation.



R. David Pembroke
Attorney for Child Support Division of
Washington County, MD
122 North Potomac St.
Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

STATE OF MARYLAND
JULIE MARIE-BARR KINNA
PLAINTIFF

VS.

DAVID L BARR
12735 PECKTONVILLE RD
BIG POOL MD 21711
DEFENDANT

21-FM-21-000496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

I swear and affirm under the penalties of perjury that the aforegoing Petition is true and correct to the best of my knowledge and belief.

R. David Pembroke
Attorney for Child Support Division of
Washington County, MD
122 North Potomac St.
Hagerstown MD, 21740
Phone: 1-800-332-6347
David.pembroke@maryland.gov
CPF #8205010237

Washington County Department of Social Services
Child Support Enforcement Unit
P.O. Box 17286
Baltimore, MD 21297-1396
1-800-332-6347
Fax 240-420-2112

May 20, 2024

DAVID L BARR
12735 PECKTONVILLE RD
BIG POOL, MD 21711

Re: Custodial Parent: JULIE MARIE-BARR KINNA
Non-Custodial Parent: DAVID L BARR
Case Number: 580171722

Dear DAVID BARR:

Greetings,

This is to advise you that there is a Contempt Hearing scheduled in the above referenced case due to the Defendant's failure to comply with the last child support order. Please be advised that the noncustodial parent's ability to pay constitutes the critical question in this civil contempt action. The hearing will be held in the Circuit Court on July 26th, 2024 at 8:30 AM.

If you have any questions regarding this matter, please call 1-800-332-6347.

Thank you for your prompt response and cooperation.

Sincerely,

N. Shank
Child Support Specialist

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

STATE OF MARYLAND **DAVID LYNN BARR** **Plaintiffs**	*	
vs.	*	**CASE NOS. C-21-FM-25-57;** **C-21-FM-21-496**
JULIE BARR KINNA **Defendant**	*	

CHILD SUPPORT ORDER

This matter having come before the Family Magistrate for testimony on the 7th day of March, 2025, all pleadings and evidence having been read and considered and no exceptions having been filed, it is thereupon this 25th day of March, 2025, by the Circuit Court for Washington County, Maryland; hereby

ORDERED, that Defendant, Julie Barr Kinna, is ordered and directed to pay child support to Plaintiff, David Lynn Barr, in the amount of $1,047.00 per month for Case No. C-21-FM-25-57, pursuant to the Maryland Child Support Guidelines, as child support for the parties' minor children, Alynssalyn L. Barr, born September 13, 2008, Gabriella Barr, born July 6, 2010, Brantlee Robert Barr, born March 10, 2013, accounting from the 1st day of April, 2026. Said payments are payable to the Maryland Child Support Account, P.O. Box 17396, Baltimore, Maryland 21297-1396; and it is further

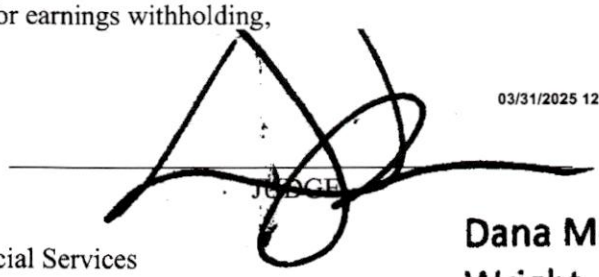
ORDERED, that child support arrears are established in Case No. C-21-FM-25-57 in the amount of $2,094.00 as of the 7th day of March, 2025, and said child support arrears is ordered and directed to be paid in the amount of $0.00 per month, accounting from the 1st day of April, 2025; and it further

ORDERED, that child support arrears are established in Case No. C-21-FM-21-496, in the amount of $11,762.20, due and owing from the Plaintiff, David Lynn Barr, to the Defendant, Julie Barr Kinna. Therefore, an arrears offset shall be applied between the parties in both cases. The remaining arrears offset is $9,632.20 due from the Plaintiff, David Lynn Barr, to the Defendant, Julie Barr Kinna, in Case No. C-21-FM-21-496 ($11,762.20 - $2,094.00 = $9,632.20). Therefore, the child support obligation in Case No. C-21-FM-25-57, shall begin on April 1, 2026, as set forth above; and it is further

ORDERED, that (i) this constitutes an immediate and continuing withholding Order on all earnings of the Obligor on or after the date of the recommended Order and that the withholding Order be served immediately on the Obligor's employer, and (ii) the Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as the Support Order is in effect, and (iii) failure to comply with paragraph (c) of this subsection (Family Law

Entered: Clerk, Circuit Court for
Washington County, MD
April 1, 2025

Article 10-121) will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor's not receiving notice of proceedings for earnings withholding,



cc: Washington County Department of Social Services
David Lynn Barr
Julie Barr Kinna

E-FILED; Washington Circuit Court
Docket: 4/22/2025 11:43 AM; Submission: 4/22/2025 11:43 AM
Envelope: 20885121

STATE OF MARYLAND
David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-25-57;
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

MOTION TO AMEND ORDER

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The State of Maryland, by and through R. David Pembroke, Attorney for Child Support Division of Washington County, Maryland, pursuant to Maryland Rule 2-535(b) respectfully states as follows:

1. That, on or about March 25,2025 court order C-21-FM-25-57 and C-21-FM-21-496 was signed by Judge Dana Moylan Wright

2. That, court order C-21-FM-21-25-57 established that the Defendant Julia Barr Kinna pay current child support in the amount of $1047.00 per month effective April 1, 2026 for three children and established an arrearage of $2094.00 as of March 7, 2025 to be paid at 0.00 per month.

3. That, in order C-21-FM-21-496, where the Plaintiff's child support arrears are due and owing to Defendant Julia Barr Kinna in the amount of $11,762.20 causing an arrears offset to be applied between the parties in both cases.

4. That, the Department failed to correctly calculate the arrears balance owed in C-21-FM-21-496 and therefore the arrears offset balance should be $9668.20($11,762.20-$2094.00) due from the Plaintiff, David Lynn Barr, to the Defendant Julie Barr Kina. Therefore to effectively handle the offset, the child support obligation in Case No. C-21-FM-25-57 be $801.80 as of January 1, 2026 and ongoing support of $1047.00 per month shall begin on February 1, 2026 as in order dated March 31, 2025

5. More than thirty (30) days have transpired since the entry of this Court's Order.

Order of March 25, 2025 be amended to reflect that the balance in case C-21-FM-21-496 is $9668.20 and that the Defendant's ongoing support obligation in C-21-FM-25-57 is $801.80 for January 1, 2026 and $1047.00 per month effective February 1, 2026 after arrears offset.

R. David Pembroke
Attorney for Child Support Division of
Washington County, Maryland
122 North Potomac Street
Hagerstown, Maryland 21740-4829
TELEPHONE: 1-800-332-6347
David.Pembroke@maryland.gov
CPF #8205010237

STATE OF MARYLAND

David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-24-57
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 22 day of April, 2025, a copy of the aforegoing Motion to Amend Order of Court was mailed or hand delivered to: **David Barr 15651 National Pike Hagerstown, MD 21740**

R. David Pembroke
Attorney for Child Support Division of
Washington County, Maryland
122 North Potomac Street
Hagerstown, Maryland 21740-4829
TELEPHONE: 1-800-332-6347
David.Pembroke@maryland.gov
CPF #8205010237

STATE OF MARYLAND

David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-24-57
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

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R. David Pembroke
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David.Pembroke@maryland.gov
CPF #8205010237

E-FILED; Washington Circuit Court
Docket: 4/22/2025 11:39 AM; Submission: 4/22/2025 11:39 AM
Envelope: 20884951

STATE OF MARYLAND

David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-24-57
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

ORDER

The State's Motion to Amend Order of Court having been read and considered, it is thereupon this 1st day of April, 202, by the Circuit Court for Washington County, Maryland,

ORDERED, that the Order of March 25, 2025 be amended to reflect that the balance in case C-21-FM-21-496 is $9668.20 and that the Defendant's ongoing support obligation in C-21-FM-25-57 is 801.80 for January 1, 2026 and $1047.00 per month effective February 1, 2026 after arrears offset.

05/01/2025 11:24:17 AM

JUDGE

Judge Joseph Michael

Entered: Clerk, Circuit Court for
Washington County, MD
May 1, 2025

E-FILED; Washington Circuit Court
Docket: 1/14/2025 3:45 PM; Submission: 1/14/2025 3:45 PM
Envelope: 19537622

C-21-FM-25-000057

STATE OF MARYLAND

DAVID LYNN BARR
PLAINTIFF

VS.

JULIE M BARR KINNA
DEFENDANT

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

COMPLAINT FOR SUPPORT

The State of Maryland, by and through R. David Pembroke, Special Counsel, Child Support Legal Unit for Washington County, Maryland, and respectfully represents unto this Honorable Court:

1. That, the Plaintiff, DAVID LYNN BARR, is an adult citizen of the United States and resides in Washington County, Maryland.

2. That, this Complaint requests support for:

NAME	D.O.B
ALYSSALYN L BARR	09/13/2008
GABRIELLA BARR	07/06/2010
BRANTLEE ROBERT BARR	03/10/2013

are the children of DAVID BARR and JULIE BARR KINNA. The parties were lawfully married on 08/11/2001.

3. That, the parties have been living separate and apart, and that since the separation, JULIE M BARR KINNA, the Defendant, has refused and neglected to provide fair and reasonable support for said minor children according to her means and earning capacity.

4. That, the above children are residing with DAVID LYNN BARR, who is their father.

5. There is no written agreement or Court Order entered to provide for the support of the aforementioned minor children from JULIE M KINNA BARR payable to DAVID LYNN BARR.

6. There is no financial statement attached at this time. There will be one filed prior to the hearing of this matter.

WHEREFORE, the State of Maryland respectfully requests this Honorable Court to:

1. Establish a reasonable amount of child support to be paid by the Defendant on an on-going basis, retroactive to filing date of the Petition said amount to be paid through the Maryland Child Support Account, P.O. Box 17396 Baltimore, MD 21297-1396; until said children obtain the age of majority or are otherwise emancipated;

2. Assess the amount of arrears owed by the Defendant and Order repayment of same;

3. That the Defendant be Ordered to make payments to the Maryland Child Support Account and that said Department shall remit said payments to the person, institution or agency determined to have the legal or actual custody of said children or the agency or institution providing assistance to the legal custodian for the benefit of said children;

4. That the Defendant be Ordered to provide such health and hospitalization insurance coverage as may be available through her employment for the benefit of the children and provide evidence of said coverage;

5. And for such and further relief as the nature of her cause may require.

R. David Pembroke
Attorney for the Child Support Division
Washington County, Maryland
122 North Potomac Street
Hagerstown, Maryland 21740-4829
PHONE: 1-800-332-6347
David.Pembroke@maryland.gov
CPF# 8205010237

Washington County Department of Social Services, Child Support Division
Rear Entrance of 122 N. Potomac St. Hagerstown, MD 21740 (Office Hours Monday-Friday 8:00 A.M. 4:30 P.M.)
Phone: (800)-332-6347 (Monday-Friday 8:00 A.M. to 5:00 P.M.)
Fax: 240-420-2112
washingtoncounty.childsupport@maryland.gov

E-FILED; Washington Circuit Court
Docket: 1/15/2025 4:09 PM; Submission: 1/15/2025 4:09 PM
Envelope: 19556745

Case Caption: ***David L. Barr*** vs. ***Julie Barr-Kinna*** Court Order Number: ***C-21-FM-25-000057***

Writ of Summons and Order to Appear

To: ***Julie Barr-Kinna***
28 Stephanies Lane
Falling Waters, WV 25419

DOB:***03/24/1982*** RACE:***C***

Phone: ***301-995-5509***

* ***Restricted Certified Mail***

Employer: ***unknown***

Regarding the Matter:*Establishment of Child Support* CSES:*991001046*

You are hereby summoned to file a written response to the attached Complaint filed by the Washington County Child Support Division by pleading or motion within thirty (30) days after service of this summons upon you in this Court. Failure to file a written response within the time allowed or to appear as directed may result in a default judgment or granting of the relief sought.

You are hereby compelled to appear personally on ***February 13, 2025*** at ***9:00 a.m.*** at the Washington County Department of Social Services, Child Support Division MAIN ENTRANCE of 122 N. Potomac St., Hagerstown, Maryland for the purpose of a CONCILIATION CONFERENCE.

☒ Produce the following documents, items, and information, not privileged at the conciliation conference: **(1) Last 4 paystubs/Financial statement; (2) Employer's Name Address/Phone; (3) Last Year's Federal and State Tax Returns, if self employed; (4) W-2 and 1099 Forms for the past 3 years; (5) Receipts, cancelled checks, etc., to disprove arrears; (6) Evidence to support any claim of inability to maintain employment due to physical or mental disability; (7) In cases of establishment or modification of a court's order, you must also bring evidence of daycare expenses, extraordinary medical expenses, health insurance cost or any other additional expenses claimed by you.**

The purpose of the Conciliation Conference is to obtain the necessary information from all parties involved and to afford each party an opportunity to be heard and ask questions in relation to CHILD SUPPORT. Although an attempt will be made by the Child Support Specialist to negotiate a settlement of the issues pending, some issues may remain unresolved. UNLESS your case is resolved at the Conciliation Conference:

You are compelled to personally appear at a hearing before the Circuit Court for Washington County, Maryland located at 24 Summit Ave Hagerstown, Maryland on ***March 7, 2025*** at ***8:30 a.m.***.

Failure to appear at court may result in the issuance of a Body Attachment or Bench Warrant for your arrest, dismissal of support services, or termination of your public assistance.

PLEASE TAKE NOTICE: Reasonable and proper attire is expected for all who attend sessions of the Circuit Court of Washington County, Maryland. Hats (except for religious purposes), undershirts, tank tops or halter tops, graphic T-shirts, shorts or cut off jeans and sandals are not considered appropriate. Possession and use of cell phones and other electronic devices may be limited or prohibited in designated areas of the court facility. **Children are not permitted in the courtrooms.**

Date Issued:

G. Clair Baker Jr.
Magistrate

Return of Service

I certify that I delivered the original of this Writ of Summons and Order to Appear to the following person(s):

_____ on the following date:_____

by the following method (specific as required by Rule 2-126 or 3-126):_____.

☐Unserved, by reason of _____

_____ _____
Served by Defendant's Signature

_____

7015 0640 0007 6226 7119

U.S. Postal Service™ C.21-FM-25-000057 3/7/25
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee	$ 4.85
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$ 4.10
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$ 1.90
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .97
Total Postage and Fees	$ 17.82

Postmark Here

MAILED
JAN 22 2025

Sent To: Julie Barr Kinna
Street and Apt. No., or PO Box No.: 26 Stephanies Lane
City, State, ZIP+4®: Falling Waters, WV 25419

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

FILED

2025 JAN 22 A 11:05

KEVIN R. TUCKER, CLERK

BY: _____

C-Washington County Department of Social Services, Child Support Division
Rear Entrance of 122 N. Potomac St. Hagerstown, MD 21740 (Office Hours Monday-Friday 8:00 A.M-4:30 P.M.)
Phone: (800)-332-6347 (Monday-Friday 8:00 A.M. to 5:00 P.M.)
Fax: 240-420-2112
washingtoncounty.childsupport@maryland.gov

E-FILED; Washington Circuit Court
Docket: 1/15/2025 4:09 PM; Submission: 1/15/2025 4:09 PM
Envelope: 19556745

Case Caption: ***David Barr*** vs. Julie Barr-Kinna Court Order Number: ***C-21-FM-25-000057***

Writ of Summons and Order to Appear

To: ***David Barr***
15651 National Pike
Hagerstown, MD 21740

DOB:***06/30/1981***

Phone: 240-343-0524

Employer: ***State of Maryland***

Regarding the Matter:*Establishment of Child Support* CSES:*991001046*

You are hereby summoned to file a written response to the attached Complaint filed by the Washington County Child Support Division by pleading or motion within thirty (30) days after service of this summons upon you in this Court. Failure to file a written response within the time allowed or to appear as directed may result in a default judgment or granting of the relief sought.

You are hereby compelled to appear personally on ***February 13, 2025*** at ***9:00 a.m.*** at the Washington County Department of Social Services, Child Support Division MAIN ENTRANCE of 122 N. Potomac St., Hagerstown, Maryland for the purpose of a CONCILIATION CONFERENCE.

☒ Produce the following documents, items, and information, not privileged at the conciliation conference: **(1) Last 4 paystubs/Financial statement; (2) Employer's Name Address/Phone; (3) Last Year's Federal and State Tax Returns, if self employed; (4) W-2 and 1099 Forms for the past 3 years; (5) Receipts, cancelled checks, etc., to disprove arrears; (6) Evidence to support any claim of inability to maintain employment due to physical or mental disability; (7) In cases of establishment or modification of a court's order, you must also bring evidence of daycare expenses, extraordinary medical expenses, health insurance cost or any other additional expenses claimed by you.**

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You are compelled to personally appear at a hearing before the Circuit Court for Washington County, Maryland located at 24 Summit Ave Hagerstown, Maryland on ***March 7, 2025*** at ***8:30 a.m.***

Failure to appear at court may result in the issuance of a Body Attachment or Bench Warrant for your arrest, dismissal of support services, or termination of your public assistance.

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Date Issued:

G. Clair Baker Jr.
Magistrate

Return of Service

I certify that I delivered the original of this Writ of Summons and Order to Appear to the following person(s):

_____ on the following date: _____

by the following method (specific as required by Rule 2-126 or 3-126): _____.

☐ Unserved, by reason of _____

_____
Served by

_____
Defendant's Signature

_____
Defendant's Printed Name

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY

☐ NOTES ONLY
☐ BEFORE COURT
☐ LOCK-UP
☐ RELEASE
☐ COMMITMENT
☐ WARRANT
☐ ESCROW

CASE: C-21-FM-25-57 **DATE:** 03.07.25

CLERK: RS, AH, ME, ZM **JUDGE:** JSM, DMW, VMP, MKB, BRW, KCD, MAG

DEFENDANT: BARR KINNA, JULIE

FOR: ESTABLISHMENT

DEFENDANT

☐ SERVED PRIOR TO COURT: Subpoena issued for: _____

☒ APPEARS: ☒ WITHOUT COUNSEL ☐ WITH COUNSEL: _____ (PD)

☐ Advised of Rights Pursuant to MR 15-206(e) ☐ Invoked ☐ Waived

☐ Subpoena issued for: _____

☐ FAILS TO APPEAR:

BENCH WARRANT

BOND: $_____ ☐ FULL CASH ☐ DEF ONLY

ARREARS: $_____

**** MASTER RECS ****
PLT Given / Mailed
DEF Given / Mailed
****

PLAINTIFF

☒ APPEARS ☒ WITHOUT COUNSEL ☐ WITH COUNSEL: _____

☐ FTA ☐ Advised of Rights Pursuant to MR 15-206(e) ☐ Invoked ☐ Waived

☐ Subpoena issued for: _____

State
a ① Pay Stubs
a ② Pay Stubs
a ③ G/L

ASSIGNMENT: ☐ $_____ apply to arrears ☐ $_____ return to surety

☐ $_____ forfeited to DSS

CONTEMPT: PLEA: ☐ ADMIT ☐ DENY

VERDICT: ☐ IN CONTEMPT ☐ NOT IN CONTEMPT

SENTENCE: _____ days months years in WCDC concurrent consecutive with

_____ PURGE: $_____

☐ DELAYED UNTIL _____ (DEFENDANT SERVED)

☐ WORK RELEASE ORDERED/AUTHORIZED

DISMISSAL: ☐ CASE DISMISSED ☐ PETITION DISMISSED

☐ FTA DISMISSED ☐ COC DISMISSED

OTHER: Testimony taken **SWORN:** A, D

MC: $1047/mo ~~MC $650/mo 2nd Address~~

☐ DADS Connection ☐ CAPE Program beginning 2026 (set off against arrears in EN-21-496)

EXHIBITS ---

STATE: 1-3

PLAINTIFF: _____

DEFENDANT: _____

9632.20

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

STATE OF MARYLAND DAVID LYNN BARR PLAINTIFF vs. JULIE BARR KINNA DEFENDANT	* * * * * * * * * * *	CASE NO. C-21-FM-25-000057

****

FAMILY MAGISTRATE'S RECOMMENDATIONS FOR CHILD SUPPORT

Issues pertaining to child support came for hearing before the Family Magistrate on the 7th day of March, 2025. Present at the hearing: Attorney for State ☒ Plaintiff ☒ Defendant

All testimony and the Family Magistrate's Recommendations for Child Support were electronically recorded at said hearing, and said recording is made a part of the Court file in this matter for a period of sixty (60) days. Accordingly, the Family Magistrate makes the following recommendations.

ISSUES:

☒	Establishment of Child Support	☐	Contempt
☐	Paternity	☐	Genetic Testing
☐	Modification (Decrease)	☐	Modification (Increase)
☐	Termination	☐	Other

(☒) That Defendant be ordered and directed to pay the amount of $**1,047.00** per month as child support for the minor child or children of the parties, accounting from the **1st day of April, 2026**. Said payments are payable to the Maryland Child Support Account, P. O. Box 17396, Baltimore, Maryland 21297-1396.

(☒) That child support arrears are established at $**2,094.00** as of the **7th day of March, 2025**, and said child support arrears be ordered and directed to be paid in the amount of $**0.00** per month, in addition to the aforesaid child support, accounting from the **1st day of April, 2025.** Said payments are payable to the Maryland Child Support Account, P. O. Box 17396, Baltimore, Maryland 21297-1396.

(☒) That: (i) this constitutes an immediate and continuing withholding order on all earnings of the Obligor on or after the date of the recommended order, and that the withholding order be served immediately on the Obligor's employer; and (ii) the Obligor is required to notify the Court within ten (10) days of any change of address or employment as long as the order is in effect; and (iii)

Entered: Clerk, Circuit Court for
Washington County, MD
March 7, 2025

failure to comply with paragraph (c) of this subsection (Family Law Article 10-121) will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor not receiving notice of proceedings for earnings withholding.

(☐) That ☐ Plaintiff ☐ Defendant be ordered and directed to provide medical coverage for the minor child or children of the parties (if available through an employer or any form of group health insurance coverage at a reasonable cost) and furnish ☐ Plaintiff ☐ Defendant with the appropriate forms and information. Any costs not covered by insurance or not reimbursed by an insurance provider shall be:

☐ paid by ☐ Plaintiff ☐ Defendant.

☐ divided equally between the parties.

(☐) That the provision for medical coverage through the Obligor's present employer, or any subsequent employers, be issued separately from the wage lien as a withholding order.

(☐) That Defendant is found to be the father of the minor child and paternity is hereby established.

(☐) That Defendant's request for genetic testing is hereby ☐ granted ☐ denied. Testing shall take place at the Department on _____ at 8:30 a.m. The cost of the genetic testing is $_____ and shall be paid by Defendant at the time of the testing by money order payable to Maryland Child Support.

(☐) That the Motion to Modify child support shall be ☐ granted ☐ denied.

(☐) That the request to terminate child support through the Department of Social Services shall be ☐ granted ☐ denied.

☐ Arrearages in the amount of $_____ shall be extinguished.

☐ Arrearages in the amount of $_____ shall be reduced to a judgment in favor of Plaintiff.

(☐) Contempt to be dismissed.

(☒) Other: Arrearage in Case No. C-21-FM-21-496 is being offset against this case so that payments begin 1/2026. The setoff is $9,632.20 ($11,762.20 - $2,094.00 = $9,632.20).

G. Clair Baker, Jr.

G. Clair Baker, Jr., Family Magistrate

NOTICE

If you do not agree with the Family Magistrate's Recommendations for Child Support, you may file exceptions pursuant to Maryland Rule 9-208.

A transcript must be requested at the time the exceptions are filed. **The Excepting Party must contact the Court Reporter and pay to the Court Reporter the amount necessary to ensure full payment for preparation of the transcript.** The amount due for the transcript is payable by attorney trust fund check, money order or cash. Should the cost amount to more, the balance due is required before the transcript will be delivered. The transcript must be filed within thirty (30) days from the filing of the exceptions.

The foregoing Family Magistrate's Recommendations for Child Support were:

☒	hand delivered to:	Plaintiff
☒	hand delivered to:	Defendant
☒	hand delivered to:	Washington County Dept. of Social Services 122 North Potomac Street Hagerstown, MD 21740

Electronically transferred to the 4D Magistrate's Recommendation Queue pursuant to Maryland Rule 9-208.

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

STATE OF MARYLAND **DAVID LYNN BARR** **Plaintiffs**	*	
vs.	*	**CASE NOS. C-21-FM-25-57;** **C-21-FM-21-496**
JULIE BARR KINNA **Defendant**	*	

CHILD SUPPORT ORDER

This matter having come before the Family Magistrate for testimony on the 7th day of March, 2025, all pleadings and evidence having been read and considered and no exceptions having been filed, it is thereupon this 25th day of March, 2025, by the Circuit Court for Washington County, Maryland; hereby

ORDERED, that Defendant, Julie Barr Kinna, is ordered and directed to pay child support to Plaintiff, David Lynn Barr, in the amount of $1,047.00 per month for Case No. C-21-FM-25-57, pursuant to the Maryland Child Support Guidelines, as child support for the parties' minor children, Alynssalyn L. Barr, born September 13, 2008, Gabriella Barr, born July 6, 2010, Brantlee Robert Barr, born March 10, 2013, accounting from the 1st day of April, 2026. Said payments are payable to the Maryland Child Support Account, P.O. Box 17396, Baltimore, Maryland 21297-1396; and it is further

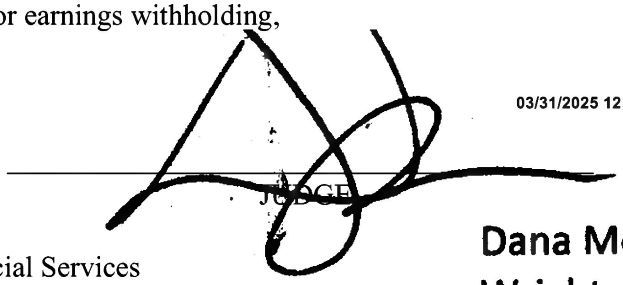
ORDERED, that child support arrears are established in Case No. C-21-FM-25-57 in the amount of $2,094.00 as of the 7th day of March, 2025, and said child support arrears is ordered and directed to be paid in the amount of $0.00 per month, accounting from the 1st day of April, 2025; and it further

ORDERED, that child support arrears are established in Case No. C-21-FM-21-496, in the amount of $11,762.20, due and owing from the Plaintiff, David Lynn Barr, to the Defendant, Julie Barr Kinna. Therefore, an arrears offset shall be applied between the parties in both cases. The remaining arrears offset is $9,632.20 due from the Plaintiff, David Lynn Barr, to the Defendant, Julie Barr Kinna, in Case No. C-21-FM-21-496 ($11,762.20 - $2,094.00 = $9,632.20). Therefore, the child support obligation in Case No. C-21-FM-25-57, shall begin on April 1, 2026, as set forth above; and it is further

ORDERED, that (i) this constitutes an immediate and continuing withholding Order on all earnings of the Obligor on or after the date of the recommended Order and that the withholding Order be served immediately on the Obligor's employer, and (ii) the Obligor is required to notify the Court within ten (10) days of any change of address or employment so long as the Support Order is in effect, and (iii) failure to comply with paragraph (c) of this subsection (Family Law

Entered: Clerk, Circuit Court for
Washington County, MD
April 1, 2025

Article 10-121) will subject the Obligor to a penalty not to exceed $250.00 and may result in the Obligor's not receiving notice of proceedings for earnings withholding,



cc: Washington County Department of Social Services
David Lynn Barr
Julie Barr Kinna

E-FILED; Washington Circuit Court
Docket: 4/22/2025 11:39 AM; Submission: 4/22/2025 11:39 AM
Envelope: 20884951

STATE OF MARYLAND
David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-25-57;
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

MOTION TO AMEND ORDER

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The State of Maryland, by and through R. David Pembroke, Attorney for Child Support Division of Washington County, Maryland, pursuant to Maryland Rule 2-535(b) respectfully states as follows:

1. That, on or about March 25,2025 court order C-21-FM-25-57 and C-21-FM-21-496 was signed by Judge Dana Moylan Wright

2. That, court order C-21-FM-21-25-57 established that the Defendant Julia Barr Kinna pay current child support in the amount of $1047.00 per month effective April 1, 2026 for three children and established an arrearage of $2094.00 as of March 7, 2025 to be paid at 0.00 per month.

3. That, in order C-21-FM-21-496, where the Plaintiff's child support arrears are due and owing to Defendant Julia Barr Kinna in the amount of $11,762.20 causing an arrears offset to be applied between the parties in both cases.

4. That, the Department failed to correctly calculate the arrears balance owed in C-21-FM-21-496 and therefore the arrears offset balance should be $9668.20($11,762.20-$2094.00) due from the Plaintiff, David Lynn Barr, to the Defendant Julie Barr Kina. Therefore to effectively handle the offset, the child support obligation in Case No. C-21-FM-25-57 be $801.80 as of January 1, 2026 and ongoing support of $1047.00 per month shall begin on February 1, 2026 as in order dated March 31, 2025

5. More than thirty (30) days have transpired since the entry of this Court's Order.

Order of March 25, 2025 be amended to reflect that the balance in case C-21-FM-21-496 is $9668.20 and that the Defendant's ongoing support obligation in C-21-FM-25-57 is $801.80 for January 1, 2026 and $1047.00 per month effective February 1, 2026 after arrears offset.

R. David Pembroke
Attorney for Child Support Division of
Washington County, Maryland
122 North Potomac Street
Hagerstown, Maryland 21740-4829
TELEPHONE: 1-800-332-6347
David.Pembroke@maryland.gov
CPF #8205010237

STATE OF MARYLAND

David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-24-57
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 22 day of April, 2025, a copy of the aforegoing Motion to Amend Order of Court was mailed or hand delivered to: **David Barr 15651 National Pike Hagerstown, MD 21740**

R. David Pembroke
Attorney for Child Support Division of
Washington County, Maryland
122 North Potomac Street
Hagerstown, Maryland 21740-4829
TELEPHONE: 1-800-332-6347
David.Pembroke@maryland.gov
CPF #8205010237

STATE OF MARYLAND

David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-24-57
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 22 day of April, 2025, a copy of the aforegoing Motion to Amend Order of Court was mailed or hand delivered to:
David Barr 15651 National Pike Hagerstown, MD 21740

R. David Pembroke
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E-FILED; Washington Circuit Court
Docket: 4/22/2025 11:39 AM; Submission: 4/22/2025 11:39 AM
Envelope: 20884951

STATE OF MARYLAND

David Lynn Barr
PLAINTIFF

VS.

Julie Barr Kinna
DEFENDANT

C-21-FM-24-57
C-21-FM-21-496

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

ORDER

The State's Motion to Amend Order of Court having been read and considered, it is thereupon this 1st day of April, 202, by the Circuit Court for Washington County, Maryland,

ORDERED, that the Order of March 25, 2025 be amended to reflect that the balance in case C-21-FM-21-496 is $9668.20 and that the Defendant's ongoing support obligation in C-21-FM-25-57 is 801.80 for January 1, 2026 and $1047.00 per month effective February 1, 2026 after arrears offset.

05/01/2025 11:24:17 AM

JUDGE

Judge Joseph Michael

Entered: Clerk, Circuit Court for
Washington County, MD
May 1, 2025